

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE January 10, 2006		(3) CONTACT/PHONE Brian Pedrotti, Current Planning (805) 788-2788	
(4) SUBJECT Continued hearing of an appeal by Cathy MacGregor of a decision of the Planning Commission disapproving Minor Use Permit DRC2003-00043 for a winery building including wine processing, barrel storage, and tasting room. The project is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area. (Supervisory District No. 3)					
(5) SUMMARY OF REQUEST On August 11, 2005, the Planning Commission heard and denied a proposal for a Minor Use Permit to allow a winery building including wine processing, barrel storage, and tasting room. On November 8, 2005, the Board of Supervisors continued the project to January 10, 2006 pending the applicant's submittal of a modified landscape plan, and proposed amounts of grading necessary for the proposed site and alternate sites. The site is within the Agriculture land use category.					
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Planning Commission and disapproving the Minor Use Permit DRC2003-00043 based on the findings in Exhibit A.					
(7) FUNDING SOURCE(S) Appeal Fee		(8) CURRENT YEAR COST n/a		(9) ANNUAL COST n/a	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Project referred to County Public Works, County Environmental Health, County Parks, CDF, APCD, Cal Trans, City of SLO.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 60 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW

OK
Leslie Brown

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1-10-06



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: BRIAN PEDROTTI, CURRENT PLANNING

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *[Signature]*

DATE: JANUARY 10, 2006

SUBJECT: CONTINUED HEARING OF AN APPEAL BY CATHY MACGREGOR OF A DECISION OF THE PLANNING COMMISSION DISAPPROVING MINOR USE PERMIT DRC2003-00043 FOR A WINERY BUILDING INCLUDING WINE PROCESSING, BARREL STORAGE, AND TASTING ROOM. THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF PRICE CANYON ROAD AND EDNA ROAD, SOUTH OF OLD PRICE CANYON ROAD AT 1600 OLD PRICE CANYON ROAD, APPROXIMATELY 2.5 MILES SOUTH OF THE CITY OF SAN LUIS OBISPO. THE SITE IS IN THE SAN LUIS OBISPO PLANNING AREA. (SUPERVISORIAL DISTRICT NO. 3)

RECOMMENDATION

Adopt the resolution affirming the decision of the Planning Commission and disapproving the Minor Use Permit DRC2003-00043 based on the findings in Exhibit A.

SUMMARY

Your Board directed the applicant to provide staff with additional information on the proposed amount of grading including total area of disturbance and cubic yards of cut and fill needed to locate the winery on top of the hill including the road access, a modified landscaping plan to show effective screening, and possible alternative sites for the winery/tasting room. As of the time of staff report preparation, a modified landscaping plan and possible alternative sites has not been submitted. However, staff has included two potential locations for possible consideration and a discussion of these is included in this report. Staff remains concerned with the grading and visual impacts associated with the proposed location on top of the hill, and recommends denial of the project as proposed. Staff is supportive of proposals for the project at the alternate locations described in this report.

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DISCUSSION

Background: On November 18, 2005, the Board of Supervisors continued the above-referenced appeal to January 10, 2006 pending the applicant's submittal of a modified landscape plan, and proposed amounts of grading necessary for the proposed site and alternate sites.

Proposed Plan Revisions/Additions:

Grading/Drainage Plan. The applicant submitted a revised preliminary grading and drainage plan, identifying existing topography and proposed areas of cut and fill. The plan also includes a revision to the parking lot/fire truck turnaround at the top of the hill, which changes the circular turnaround to a "hammerhead" style turnaround with 90-degree parking spaces.

The grading/drainage plan proposes a total of 1600 cubic yards of cut, and 400 cubic yards of fill, with a total area of disturbance of 0.7 acres. The proposed fill area is located on the east side of the hill facing Highway 227, and includes a maximum four foot high retaining wall with an additional 2:1 fill slope nearing eighteen feet high. The proposed cut area is located on top of the hill facing the south and west sides of the hill (sides facing Price Canyon Road). This cut includes a 2:1 slope approximately eight feet high.

The applicant has not submitted plans for any alternate locations for the winery and tasting room on the site.

Landscaping Plan. The Board of Supervisors requested additional information on proposed landscaping. The applicant has not provided a modified landscape plan. The proposed landscape plan was presented to the Board of Supervisors at the November 18, 2005 meeting and is included in this report. The landscaping plan does not reflect the proposed revisions to the parking area and turnaround.

Staff Review and Response:

Grading/Drainage Plan.

Staff remains concerned with the visual impacts associated with the proposed grading/drainage plan for the location on the top of the hill. The proposed building remains on the most visual spot of the most visual location on the site, at the southernmost edge of the hill. In addition to the silhouetting of the building and visible driveway grading cut/fills associated with the original proposal, the grading/drainage plan now more clearly identifies additional cuts for the parking area adjacent to the building, which will be visible from Price Canyon Road. The cut areas may also conflict with the available soil for plants as shown on the landscaping plan (see discussion below).

Landscaping Plan.

The proposed landscaping plan includes plantings of trees and shrubs on both sides of the driveway entrance, including on both 2:1 cut and fill slopes. The viability of landscaping on cut slopes on the rocky hill is questionable without additional soils data. The landscaping plan also does not address the visual impacts of the building itself. The applicant would need to present a cautious treatment of landscaping on the top of the hill to balance the additional visual impact of this vegetation with the need to break up the building expanse.

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Precedent Setting

Your Board should consider the precedence that will result from a decision to allow the proposed winery and wine tasting room on top of this hill. Winery establishments in the Edna Valley, and elsewhere, continues to grow at a rapid pace and this may lead some owners to attempt to gain a competitive edge by locating their facilities on prominent hills and ridge tops. While attractive to wine patrons, such development will contribute to the loss of rural character if such a trend continues.

Alternate Project Locations:

The applicant has not submitted proposals for any alternate locations on the site. Staff has identified several viable options for relocation of the project on the same property that would address the visual and grading impacts of the current proposal. Alternate sites were chosen based on their consistency with the Highway Corridor Design Standards of the San Luis Obispo Planning Area of the Land Use Ordinance. In addition, sites were chosen to take advantage of attractive natural settings while minimizing visual impacts of buildings and grading on scenic corridors, avoiding grading on steep slopes, minimizing impacts to agriculture, and compatibility with adjacent uses.

Site A: North of Hill. Staff's preferred location is shown on Exhibit 1A. This location is on the north side of the hill on the flat area along Old Price Canyon Road right of way. Staff has sketched a site layout that provides an equivalent building size with tasting room and processing area as well as ample parking and storage area. Grading would be limited to a cut at the base of the hillside which would serve as the back wall of the building. This location is preferred because it minimizes visual impacts of structures and grading, minimizes direct impacts to agricultural resources, and provides a site that is closer and more accessible to other visitor-serving uses in the area such as the Old Edna Deli. This proposal would necessitate the full or partial abandonment of Old Price Canyon Road, which has been identified as an option in the applicant's traffic study.

Site B: Eastern corner of property. A second alternate site is shown on Exhibit 1B. This site is located at the eastern end of the property, closer to Highway 227. Grading would be minimal on this generally flat area. This location is also preferable because it minimizes visual impacts of structures and grading, and provides a site that is very close and accessible to other visitor-serving uses in the area such as the Old Edna Deli. Although this option is less preferable because it involves removal of some vines, the total required area for the project in this location is approximately 5,000 square feet. This proposal would not necessarily require the abandonment of Old Price Canyon Road, as there appears to be ample room for a driveway aisle and parking. However, abandonment of Old Price Canyon Road could provide additional space for planting/transplanting of removed vines, if feasible.

Modified Setbacks:

A minimum 200 foot setback from property lines is required for winery structures and outdoor use areas with tasting rooms and retail sales, per Section 22.30.070 of the Land Use Ordinance. The alternate project locations would require modification of the setback along Old Price Canyon Road. These setbacks may be modified through Minor Use Permit approval when one of the following findings can be satisfied:

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- 1) There is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land; or
- 2) The property fronts an arterial or collector street; or
- 3) The setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation; or
- 4) The structure is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

The first three findings can all be satisfied for the alternate locations. Each of these sites minimizes visual impacts, the property fronts an arterial street (Price Canyon Road), and existing topographic conditions on the site are unique. Further, the property to the north is currently under review for a tentative tract map, and agricultural buffers have been recommended on the property.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to: County Public Works, County Environmental Health, County Parks, CDF, APCD, Cal Trans, City of SLO.

FINANCIAL CONSIDERATIONS

The appeal was processed using the applicant's appeal fees.

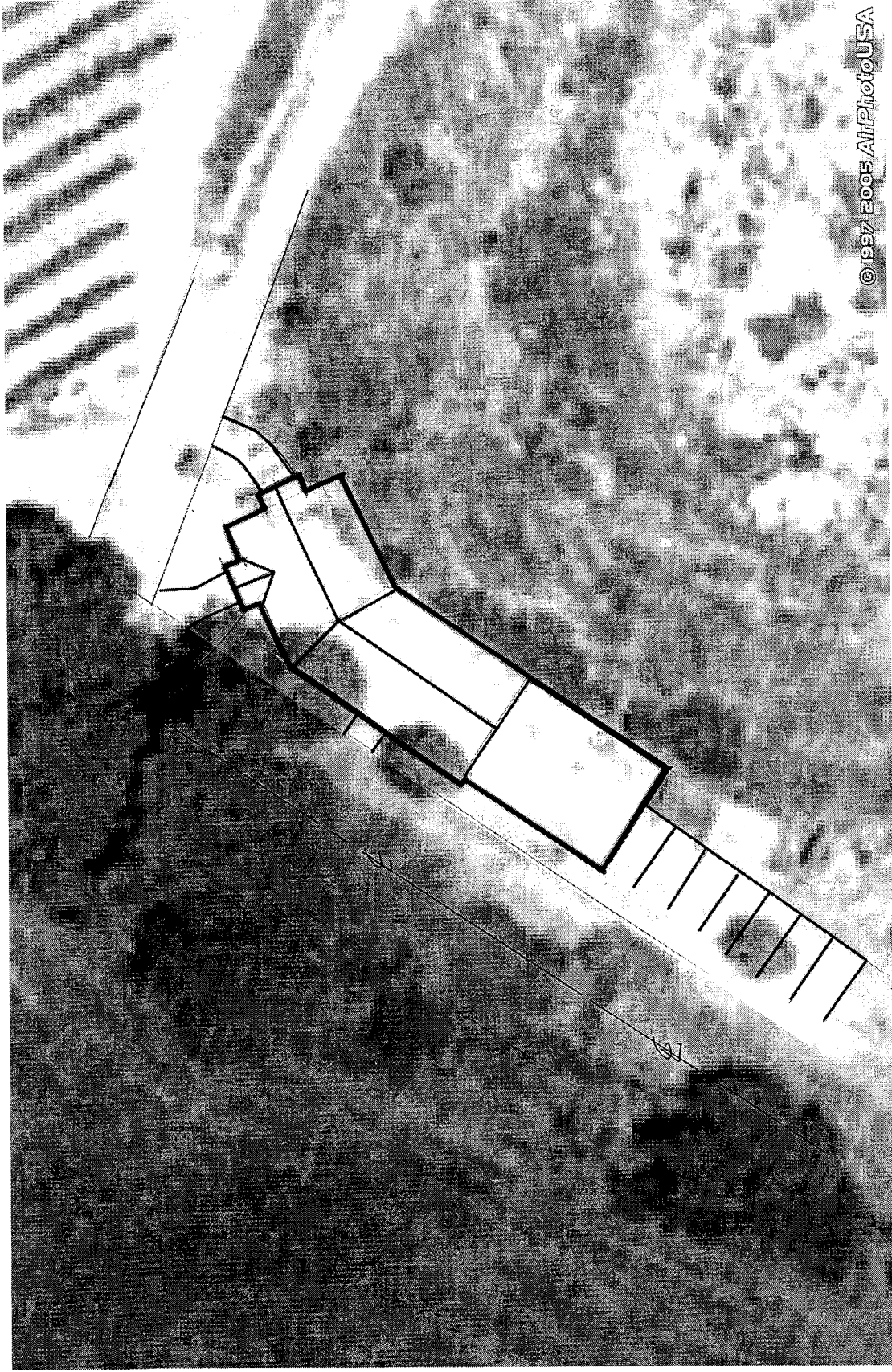
RESULTS

Upholding the Planning Commission decision will mean the Minor Use Permit is denied and the winery cannot be constructed in the proposed location. Approval of the appeal or authorization of processing the project in one of the alternate sites would mean the Minor Use Permit will be sent to staff for an environmental determination.

ATTACHMENTS

1. New Exhibits:
 - Exhibit 1A: Alternate Site A
 - Exhibit 1A.2: Alternate Site A with additional parking
 - Exhibit 1B: Alternate Site B
 - Exhibit 2A: Alternate Site A, wide-view
 - Exhibit 2B: Alternate Site B, wide-view
 - Exhibit 3: Proposed site, wide-view
 - Grading/Drainage Plan
 - Landscaping Plan
2. Board of Supervisors Staff Report for November 8, 2005
3. Board of Supervisors Resolution with findings and conditions
4. Appeal letter and attachments
5. Planning Commission Staff Report for August 11, 2005

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Exhibit 1A

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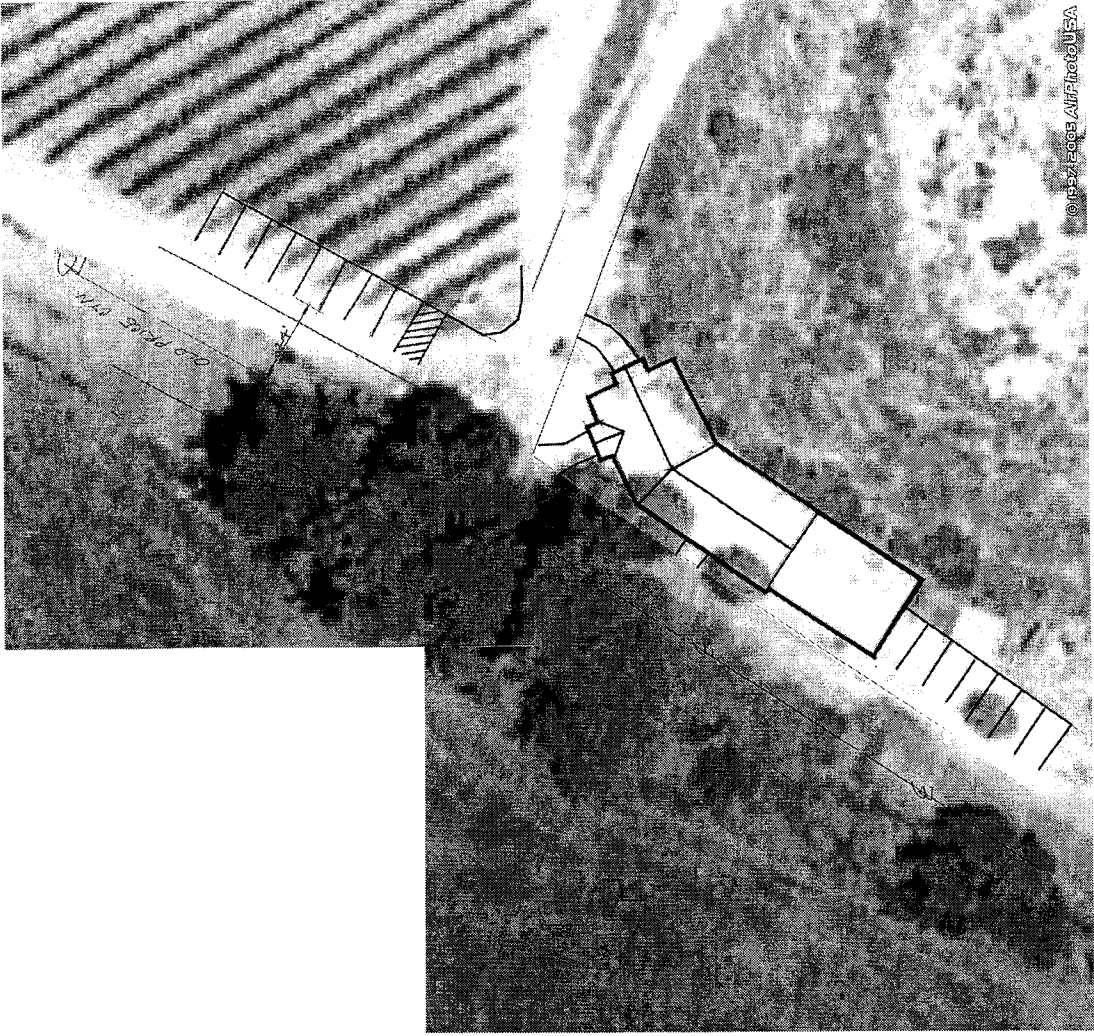
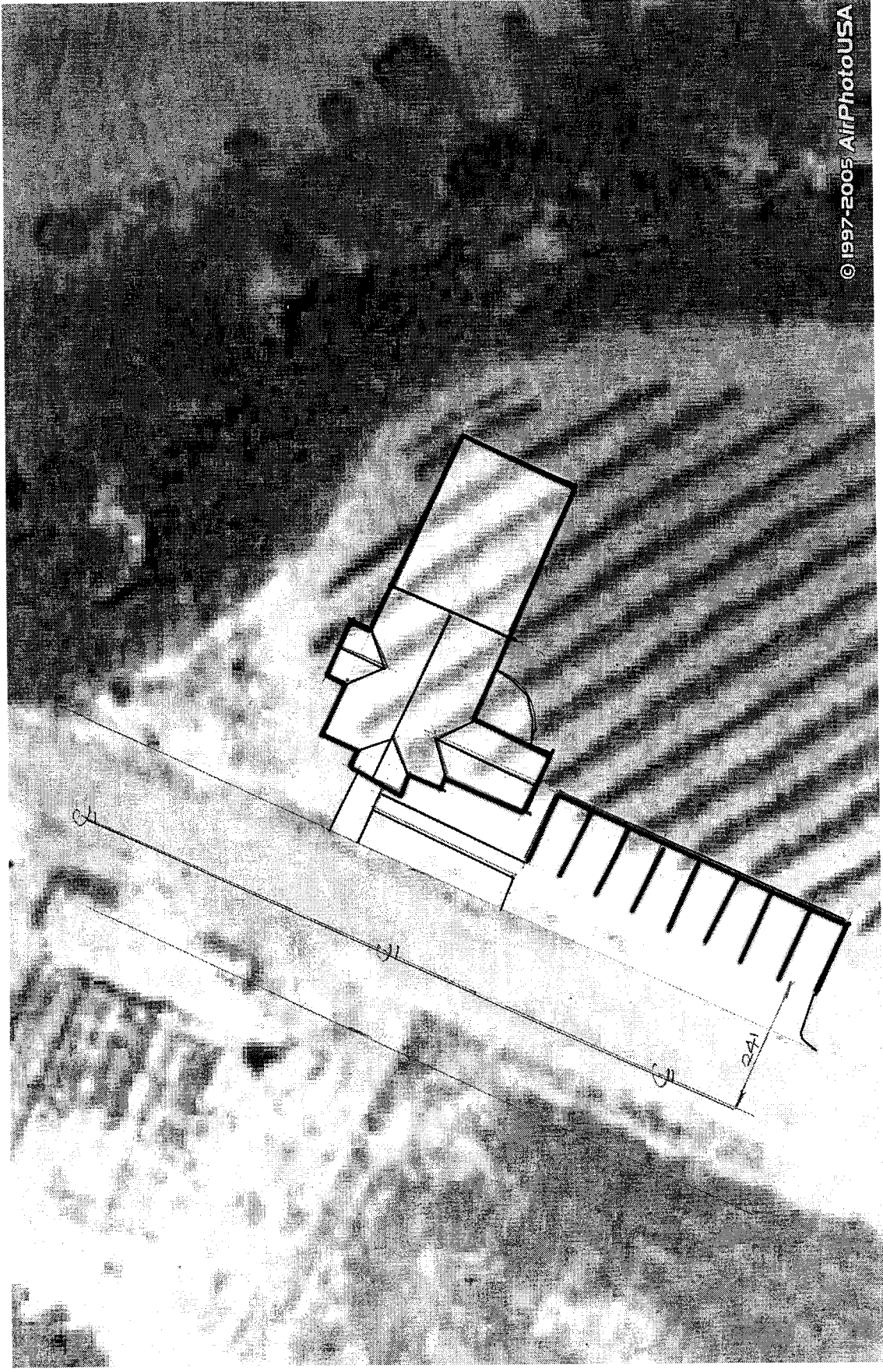


Exhibit 1A.2

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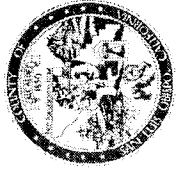
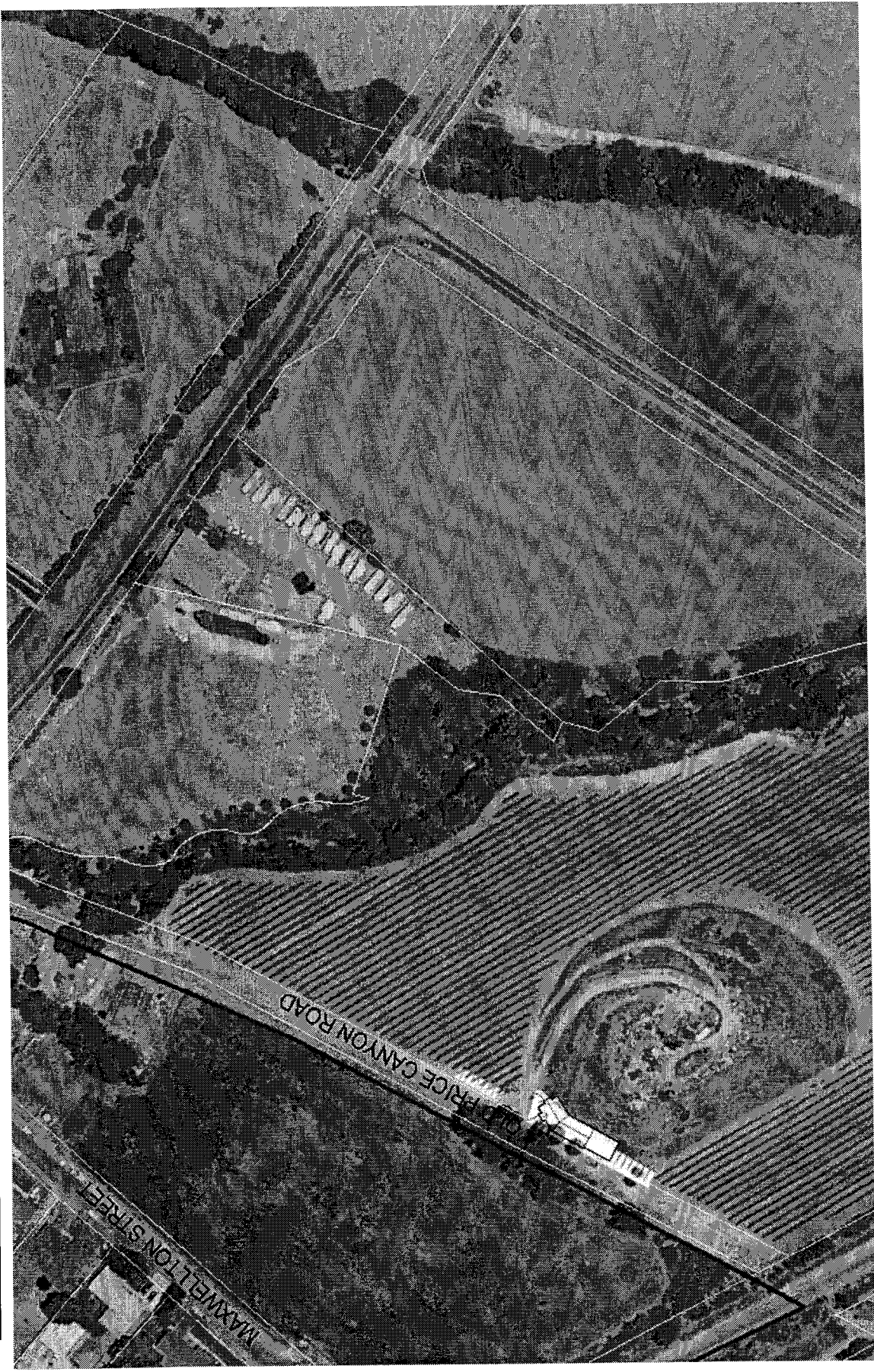
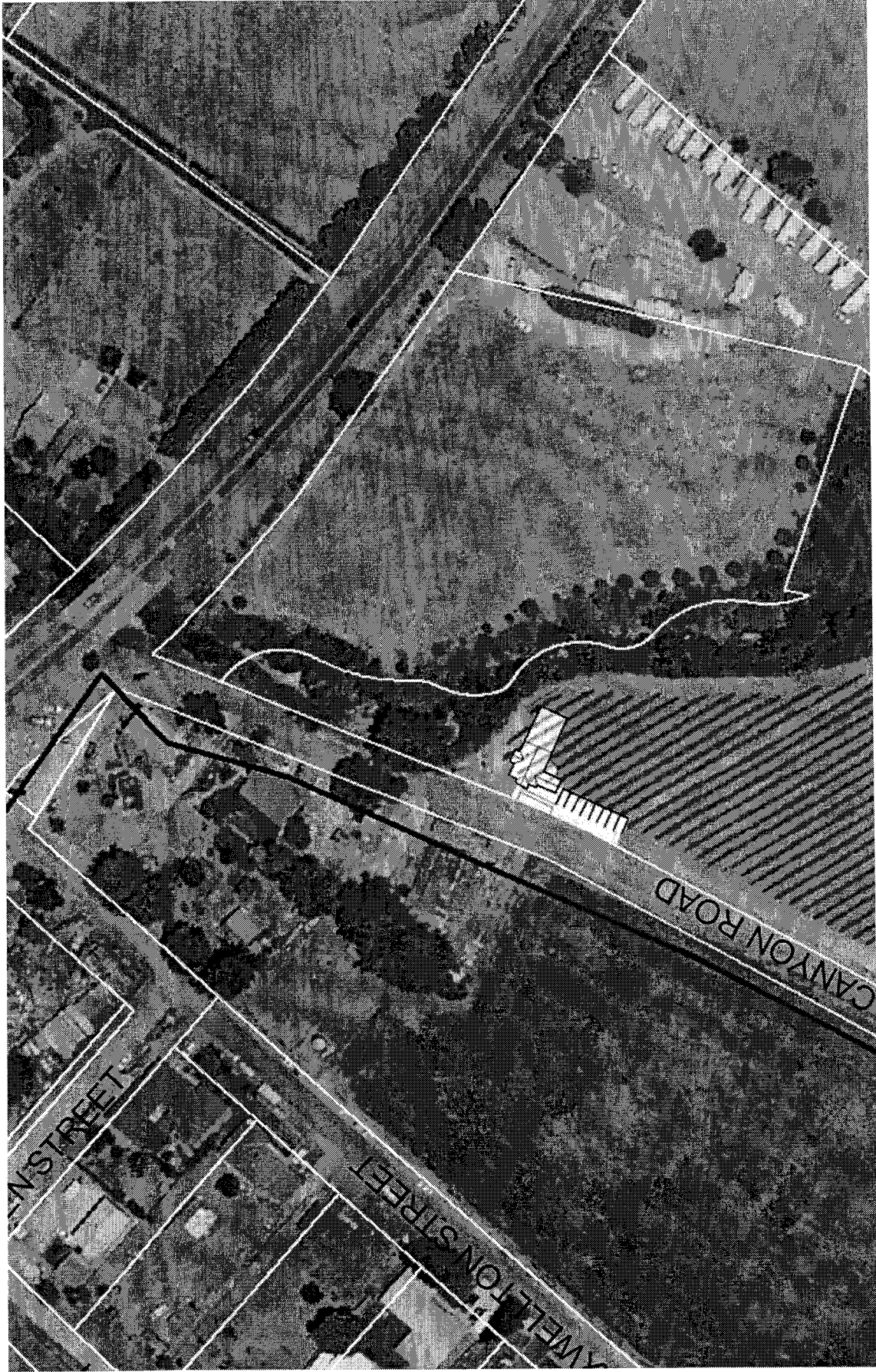


Exhibit 1B



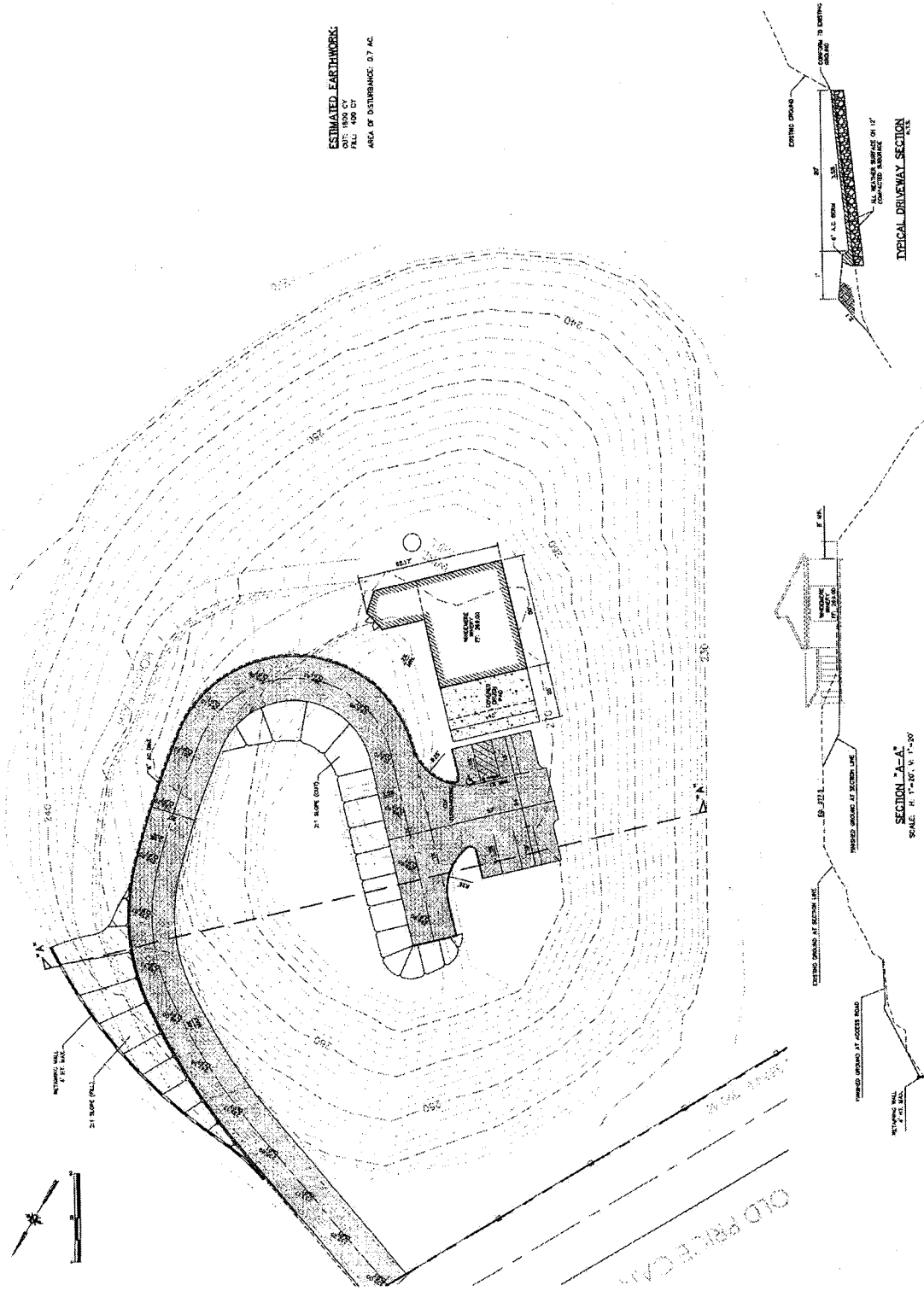




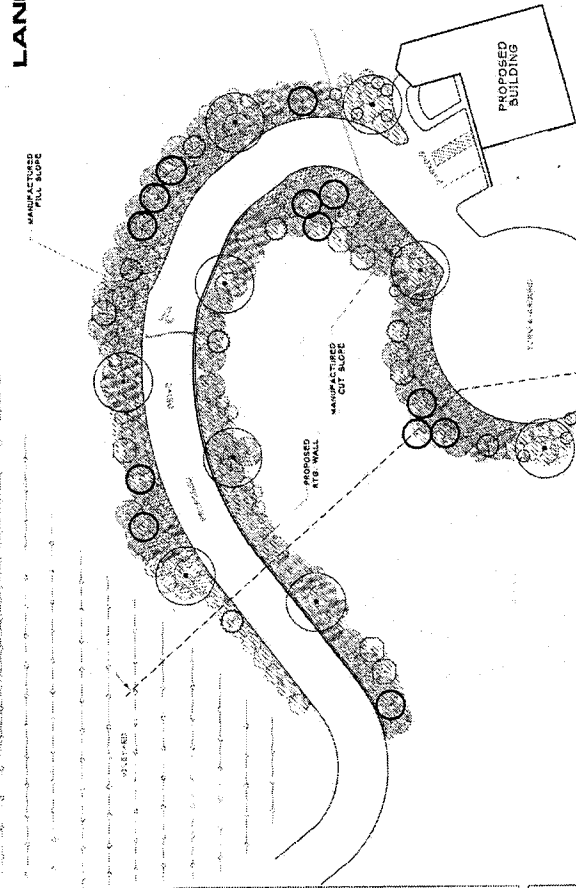
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Exhibit 3



LANDSCAPE SCREENING PLAN



LANDSCAPE WALLS

LANDSCAPE WALLS ARE TO BE CONSTRUCTED WITH A MINIMUM OF 12" CONC. AND 4" REINFORCING BARS. WALLS SHALL BE 12" HIGH AND 12" WIDE. WALLS SHALL BE 12" HIGH AND 12" WIDE. WALLS SHALL BE 12" HIGH AND 12" WIDE.

PLANT SYMBOL LEGEND

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

CALL-OUT NOTES

- 1. MINIMUM 1" LAYER OF UNBLENDED REDWOOD MULCH. KEEP 2" CLEARANCE AROUND TRUNKS OF ALL SHRUBS AND TREES.
- 2. CONSTRUCTION LINE OF PLANT PIT, 2" HIGH.
- 3. EXISTING DITCH.
- 4. BOTTOM OF BASH 3" BELOW TOP OF BASH RAIL.
- 5. UP (ONLY AND NO. 1" OR LARGER) AND OTHER DELETIONS.
- 6. REMOVED ALL PLANT ROOTS FROM WALL OF PLANT PIT AND SCARP'S SLOPE AND BOTTOM. WATER SETTLE PLANT PIT ONCE BACK-FILLING IS COMPLETE.

PLANT PIT ON SLOPE

NOT TO SCALE

MacGregor MUP

Landscaping Plan



Previous Materials/Documentation

- Board of Supervisors Staff Report for November 8, 2005
- Board of Supervisors Resolution with findings and conditions
- Appeal letter and attachments
- Planning Commission Staff Report for August 11, 2005

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COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Planning and Building		(2) MEETING DATE November 18, 2005		(3) CONTACT/PHONE Brian Pedrotti, Current Planning (805) 788-2788	
(4) SUBJECT Appeal by Cathy MacGregor of a decision of the Planning Commission disapproving Minor Use Permit DRC2003-00043 for a winery building including wine processing, barrel storage, and tasting room. The project is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area. (Supervisory District No. 3)					
(5) SUMMARY OF REQUEST On August 11, 2005, the Planning Commission heard and denied a proposal for a Minor Use Permit to allow a winery building including wine processing, barrel storage, and tasting room. The site is within the Agriculture land use category.					
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Planning Commission and disapproving the Minor Use Permit DRC2003-00043 based on the findings in Exhibit A.					
(7) FUNDING SOURCE(S) Appeal Fee		(8) CURRENT YEAR COST n/a		(9) ANNUAL COST n/a	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Project referred to County Public Works, County Environmental Health, County Parks, CDF, APCD, Cal Trans, City of SLO.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 60 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW

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11-18-05*



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: BRIAN PEDROTTI, CURRENT PLANNING

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

DATE: NOVEMBER 8, 2005

SUBJECT: APPEAL BY CATHY MACGREGOR OF A DECISION OF THE PLANNING COMMISSION DISAPPROVING MINOR USE PERMIT DRC2003-00043 FOR A WINERY BUILDING INCLUDING WINE PROCESSING, BARREL STORAGE, AND TASTING ROOM. THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF PRICE CANYON ROAD AND EDNA ROAD, SOUTH OF OLD PRICE CANYON ROAD AT 1600 OLD PRICE CANYON ROAD, APPROXIMATELY 2.5 MILES SOUTH OF THE CITY OF SAN LUIS OBISPO. THE SITE IS IN THE SAN LUIS OBISPO PLANNING AREA. (SUPERVISORIAL DISTRICT NO. 3)

RECOMMENDATION

Adopt the resolution affirming the decision of the Planning Commission and disapproving the Minor Use Permit DRC2003-00043 based on the findings in Exhibit A.

DISCUSSION

Background

On August 11, 2005, the Planning Commission heard and denied a proposal by Cathy MacGregor for a Minor Use Permit to allow a winery building including wine processing, barrel storage, and tasting room. The project is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area. An appeal of the Planning Commission's decision was filed by Cathy MacGregor on August 25, 2005.

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Appeal Issues

Issue 1 – The appellant states that the project should not be evaluated for consistency with the design criteria for the Highway Corridor Design Area because, although the property is within this area, the project site is not within 100 feet of Highway 227 or the railroad.

Staff response: The site is located near the intersection of Price Canyon Road and Highway 227, a route designated as within the Highway Corridor Design Area of the San Luis Obispo Planning Area. The proposed building site, although outside the 100-foot design area, is located on a particularly prominent and highly unique hill surrounded by nearly level vineyards that can be seen clearly from Highway 227, Price Canyon Road, and trains traveling on the railroad. The project is proposed in a rural location that is inconsistent with the intent of the standards of the design area. The design area includes land within 100 feet of Highway 227; and the subject property has land within this area. Section 22.108.030.F states the following:

***"Highway corridor design standards.** All residential structures, residential access roads, residential accessory structures, and certain agricultural structures on any land within the highway corridor design area shown in Figure 108-2 are subject to the standards in Section 22.108.030 for the Sensitive Resource Area combining designation,.."*

Section 22.108.030 includes the specific highway corridor design standards, such as building location, grading and slope limitations, building visibility, and landscaping provisions. Included in this section is the following language:

***"Other land use permit required.** Projects for which Section 22.06.030 requires Minor Use Permit or Conditional Use Permit approval shall be subject to those land use permit requirements, and evaluated for compliance with Subsection B.4."*

Subsection B.4 refers to Sec. 22.108.030.B.4 on Discretionary Permit Requirements:

"Minor Use Permit approval is required for projects that are unable to meet the requirements for a Zoning Clearance as specified in Subsection B.3. Any Minor Use Permit and Conditional Use Permit applications that may otherwise be required by this Title shall include a visual analysis prepared by a registered architect, registered landscape architect, or other qualified person acceptable to the Director. The visual analysis shall be utilized to determine compliance with the intent of the provisions of Subsection B.3...."

Subsection B.3 refers back to the specific highway corridor design standards, and therefore these were applied to the review of the project.

Issue 2 – The appellant states that no alternative site is feasible for the project.

Staff response: Although it is the applicant's ideal scenario to construct a winery on this particular hill on the property, several feasible alternative sites have been suggested, including

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locations on the same property. The Agricultural Commissioner's Office has included comments supporting concerns with visual, grading, and septic system issues, and that relocation of these facilities to more productive soils is allowed when there are physical site constraints (see attached letter). As the applicant has stated, grape processing may continue to occur at the current off-site location.

Issue 3 – The appellant states that the project does not represent a visual impact because of the proposed building's "agrarian" design and implementation of landscaping and color/material treatments.

Staff response: As stated earlier, the project is proposed in a rural location that is inconsistent with the intent of the standards of the design area. The LUO states that these standards are intended "to protect views of scenic backdrops and background vistas and foreground views from scenic roads and highways, and other environmental resources that provide habitat and watershed drainage." When viewed from Price Canyon Road, the proposed 30-foot high building would significantly encroach into the skyline of the Santa Lucia Mountains to the east. When viewed from Highway 227, the proposed building would encroach above the skyline of the hills along Price Canyon Road. These design standards and requirements for discretionary permits include restrictions on the location of building, grading restrictions, slope limitations, building visibility, and landscaping (see Land Use Ordinance - Visual Resources section of August 11, 2005 staff report). The appellant has also failed to identify the visual impacts of access road grading on the hill. Grading for roads is proposed on slopes approaching 45%. Grading of the site is not minimized due to the CDF required 20' wide access driveway that is proposed to provide access to the top of the hill, as well as the parking lot and production areas on top of the hill. Significant cut and fill slopes will result from the grading and will be highly visible. The applicant has also proposed the use of trees and shrubs to screen the development on the hill; however, since the hill is primarily rock, the existence of an adequate amount of top soil for planting on the sides and top of the hill is questionable. The site may need substantial amounts of soil amendments, necessitating additional grading.

Issue 4 – The appellant states that concerns about the leach field location can be addressed through locating the leach field at the bottom of the hill.

Staff response: A suitable alternative location for the on-site system has not been identified at this time. The proposed plans show the placement of the on-site septic system on a natural grade of approximately 35%. "Daylighting" of effluent is a health safety concern, and staff is receptive to alternate locations; however, possible relocation is difficult because the hill is surrounded on three sides by productive vineyard and on the fourth side by the access road.

Issue 5 – The appellant states that the project is consistent with Agriculture and Open Space Policy 30 because the property is not located within a designated scenic corridor and is not proposed on prime agriculture land. The appellant states that the project is consistent with Agriculture and Open Space Policies 6 and 8, which encourage winery projects to locate visitor serving and incidental retail uses off of productive agricultural lands, unless there are no other feasible locations.

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Staff response: As stated above, the property is located within a Highway Corridor Design Area. Policy AGP 30 regarding Scenic Resources in the Agriculture & Open Space Element applies as follows:

"In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:

- 1. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.*
- 2. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.*
- 3. Use natural landforms and vegetation to screen development whenever possible.*
- 4. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture."*

This section goes on to state that although the "designation of a scenic corridor....and its subsequent management shall not interfere with agricultural uses on private lands", the policy also states, "the CEQA review of the proposed project should seek to balance the protection of the scenic qualities along the corridor with the needs of the agricultural resources and facilities" (pg. 2-59).

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to: County Public Works, County Environmental Health, County Parks, CDF, APCD, Cal Trans, City of SLO.

FINANCIAL CONSIDERATIONS

The appeal was processed using the applicant's appeal fees.

RESULTS

Upholding the Planning Commission decision will mean the Minor Use Permit is denied and the winery cannot be constructed in the proposed location. Approval of the appeal would mean the Minor Use Permit will be sent to staff for an environmental determination.

ATTACHMENTS

1. Board of Supervisors Resolution with findings and conditions
2. Appeal letter and attachments
3. Planning Commission Staff Report for August 11, 2005

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION AFFIRMING THE DECISION OF THE
PLANNING COMMISSION AND DISAPPROVING THE APPLICATION
OF CATHY MACGREGOR FOR MINOR USE PERMIT DRC2003-00043**

The following resolution is now offered and read:

WHEREAS, on August 11, 2005, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and disapproved the application of Cathy MacGregor for Minor Use Permit DRC2003-00043; and

WHEREAS, Cathy MacGregor has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 8, 2005, and determination and decision was made on November 8, 2005; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed and that the application should be disapproved based upon subject to the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

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4. That the appeal filed by Cathy MacGregor is hereby denied and the decision of the Planning Commission is affirmed that the application of Cathy MacGregor for Minor Use Permit DRC2003-00043 is hereby disapproved based upon the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____

Deputy County Counsel

Dated: _____

STATE OF CALIFORNIA,)
)
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2005.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

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FINDINGS - EXHIBIT A
Minor Use Permit DRC2003-00043

Minor Use Permit

A. The proposed project is not consistent with the San Luis Obispo County General Plan because:

1. The project does not meet the intent of the highway corridor design standards in the San Luis Obispo Planning Area for the Sensitive Resource Area combining designation, which include the following:
 - a. Locate all development including water tanks and access roads in the least visible portion of the site as viewed from any of the scenic highway corridors, consistent with the protection of other resources. Use existing topographic features first and vegetation second to screen development from public view as much as possible.
 - b. Minimize grading that would create cut and fill slopes visible from any of the scenic highway corridors.
 - c. Grading for structures and roads should occur on slopes that are less than 30 percent.
 - d. Minimize building height and mass by using low-profile design where applicable. Minimize building visibility (including water tanks) by using colors to harmonize with surrounding natural environment.
 - e. Provide landscaping to screen and buffer development with native or drought-resistant plants, including extensive use of evergreen trees and large-growing shrubs.
2. The project does not comply with the Ag and Open Space Policy AGP 30 Scenic Resources as stated below:
 - a. In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:
 - i. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.
 - ii. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.
 - iii. Use natural landforms and vegetation to screen development whenever possible.
 - iv. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture."

B. The proposed project does not satisfy all applicable provisions of Title 22 of the County Code because all necessary information has not been submitted per Sec. 22.62.050.

C. The establishment and subsequent operation or conduct of the use will, because of the circumstances in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use because:

Handwritten initials and signature: "CJ" and a signature.

1. The proposed location of the on-site septic system is located on unacceptably steep slopes and "daylighting" of effluent may occur.
- D. The proposed project or use will be inconsistent with the visual character of the immediate neighborhood and contrary to its orderly development because the existing area surrounding this site is bordered by vineyards, row crops, grazing land, and other scenic open space, scenic values with which the proposed project could conflict based on the standards in the Land Use Ordinance and Agriculture/Open Space Element.

Environmental Determination

- E. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

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San Luis Obispo County Department of Planning and Building



DRC 2004-00043 #595
Kimberly Maston

PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☒ Minor Use Permit ☐ Development Plan ☐ Variance
☐ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☐ Other _____

File Number:

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☐ Subdivision Review Board ☒ Planning Commission ☐ Other

Date the application was acted on

8-11-05
b. Pedrotti - proj. mgr.

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (attach additional sheets if necessary). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

see attached
DRC 2004-00043

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (attach additional sheets if necessary)
	See attached -

APPELLANT INFORMATION

Print name:

Address: Cathy MacGregor

Phone Number (daytime):

We have completed this form accurately and declare all statements made here are true.

Catherine A MacGregor

(By: Jamie Kirk)
agent
Phone: 461-5765 Cell: 801-6195

OFFICE USE ONLY

Date Received: 8-25-2005
Amount Paid: \$609.

By: M. Velarde

Receipt No. (if applicable):
Revised 7/31/01/ep

Signature

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • 1-800-834-4636

EMAIL: ipcoping@skonet.org

FAX: (805) 781-1242

WEBSITE: <http://www.slocoplanning.com>

12:08 PM 8/25/05
Date



Letter of Transmittal

Date: August 25, 2005

To: San Luis Obispo County Planning Department

From: Jamie Kirk

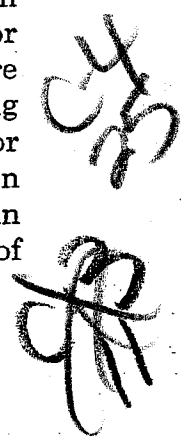
RE: MacGregor Winery

The Planning Commission reviewed and denied Conditional Use Permit 2004-00043, a request to construct a +/- 2,400 square foot winery. The approving body did not consider the proposed winery location an appropriate site for the winery.

Planning staff raised many issues in their report to support their recommendation of denial. The main issue brought forth in the staff report was that the project is inconsistent with the Highway Corridor Design Area Standards provided in the San Luis Obispo Planning Area Standards (Chapter 9 - County Land Use Ordinance).

In their review of the project, the planning department determined that the project is within the Highway Corridor Design Area. Based upon this determination, the project is being evaluated for consistency with the "Design Criteria" for the Highway Corridor Design Area. The Highway Corridor Design Area is applied "to land within 100 foot of railroad right-of-ways and the following roads: Highway 1, Highway 101, Highway 227, Los Osos Valley Road, O'Connor Way, Orcutt Road". A small portion of the site (+/- 15 feet) is within 100 feet of Highway 227, and the rear portion of the property has land that is within 100 feet of the railroad right-of-way. The building site for the proposed winery is not located on land within 100 feet of these areas, therefore the "Design Criteria" should not be applied to the project.

Planning staff and the Planning Commission discussed two alternative locations for the winery site. The main emphasis in evaluating an alternative winery location was to address the visual impact of the proposed structure. One site proposed for the public tasting component of the winery was the Edna Store. The Edna Store location is zoned Commercial Retail and would allow for a stand alone wine tasting facility. Members of the Planning Commission thought that a viable alternative for the applicant would be to continue processing grapes in the current off-site location and open a tasting room within the Edna Store. Although the Edna Store may be an ideal site, the applicant does not own or have control of this particular piece of property.



The entire property, with the exception of the proposed winery location, is planted with irrigated vineyards and is Class II soils. The second alternative location for the winery identified by staff and considered by the Planning Commission was at the northeast corner of the property adjacent to West Corral Creek. Although this location may not have the visual impacts associated with the applicants proposed location, there are many other significant concerns related to this location. The alternative building location is planted with 30 year old pinot noir vines, is prime soil, is adjacent to a creek, and is within a Flood Hazard combining designation. The construction of the winery and ancillary improvements in this location would result in the permanent loss of prime soils and the oldest block of pinot noir vineyards in Edna Valley.

Although the project is not subject to the Highway Corridor Design Standards, it is understood that the project is subject to the California Environmental Quality Act (CEQA). CEQA requires the lead agency to evaluate a projects impact on many resources, including Aesthetic Resources. Under the Aesthetics' portion of the initial study document CEQA asks the following questions:

Does the project:

- a) *Create an aesthetically incompatible site open to public view?*
- b) *Introduce a use within a scenic view open to public view?*
- c) *Change the visual character of an area?*
- d) *Create glare or night lighting which may affect surrounding areas?*
- e) *Impact unique geological or physical features?*

The building site is not within the primary view shed of a person driving on Highway 227 or Price Canyon Road. Although the site can be seen from public roads, the proposed building location is partially obstructed by existing vegetation from various vantage points. The building design is considered to be somewhat agrarian which is aesthetically consistent with other development in the area. Any exterior lighting fixtures utilized on the structure will be equipped with 360 degree shields, which will prevent off-site glare. Although the building is located on the only knoll on the site, the aesthetic value of the knoll is visibly degraded and is of little aesthetic value. The project will actually enhance this physical feature. The impacts the project could have on aesthetic resources can be mitigated by the implementation of landscaping and appropriate color and material treatments of the building.

Staff also had concerns about the proposed location of the wastewater treatment facility. The original leach field location was shown in an area with slopes over 30%. The leach field area can be relocated to the bottom on the knoll. Percolation tests have been completed in this area which indicates it can support a wastewater system. Additionally, the only system that will be required will be a small system for domestic purposes. The winery waste can be accommodated by direct land application, which does not require a leach field.

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Other concerns discussed and raised in the staff report were whether or not the project is consistent with the Agriculture and Open Space Element. Staff indicated that the project is inconsistent with Agricultural Policy 30 (AGP 30). AGP 30 states the following:

"In designated scenic corridors, new development requiring a discretionary permit and land division shall address the protection of scenic vistas as follows:

- Balance the protection of scenic resources with the protection of agricultural resources
- When selecting locations for structures, roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with the agricultural operations
- Use natural landforms and vegetation to screen development whenever possible
- In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture.

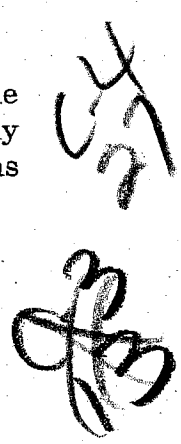
Although it is our contention that the project is not located within a designated scenic corridor, the project is still consistent with this policy. The project ensures long-term protection of prime soils, while providing site improvements (i.e. building massing, landscaping, color/materials treatment) that will mitigate short term visual impacts. The loss of productive prime agriculture land is a long term impact that can not be mitigated.

In addition to being consistent with AGP 30, the project is also consistent with AGP 6 and AGP 8. AGP 6 encourages winery projects to locate visitor serving and incidental retail uses off of productive agriculture lands, unless there are no other feasible locations. As stated previously, the majority of property is Class II soil and is planted with vineyards. The only area of the site that is not Class II soil is the proposed building site.

AGP 8 sets forth the policies for Intensive Agricultural Facilities (i.e. Wineries). This policy states

- Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing and support industries
- Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed with agricultural uses

The property is compatible with surrounding agricultural uses and supports the existing agriculture on the site. The development has been located on the only portion of the site that is not intensified with agricultural uses or designated as prime soils.



We conclude that our client has many valid reasons for this appeal. The Design Criteria should not be applied to the project because the building site for the proposed winery is not located on land within 100 feet of Highway 227 or railroad right-of-way. An alternate off-site location is not an option because the Edna Store is not owned or controlled by Ms. MacGregor. Additionally, from an operational standpoint, it is better practice to consolidate processing activities to an on-site location. Processing the wine on-site provides a better end product and reduces damage to the crop that can occur during transport to the off-site facilities. It will also decrease the amount of traffic that is generated from the transportation of crops to the off-site location. The relocation of the proposed building site to staff's recommended on-site location will result in long term environmental impacts. The location proposed by the applicant will result in short term visual impacts that can be mitigated. The building pad and access road already exist and will not adversely impact the agricultural resources on the property. The proposed project meets all of the necessary requirements, is compatible with surrounding agriculture uses, and ensures the continuation of the historical agricultural use of the site.

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

5-1

Promoting the wise use of land
Helping build great communities

MEETING DATE August 11, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Cathy MacGregor	FILE NO. DRC2003-00043
SUBJECT Request by Cathy MacGregor for a Minor Use Permit to allow a winery building including wine processing, barrel storage, and tasting room. The project will result in the disturbance of approximately one acre of a 24.9 acre parcel. The proposed project is within the Agriculture land use category and is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.			
RECOMMENDED ACTION Deny Conditional Use Permit DRC2003-00043 based on the findings listed in Exhibit A			
ENVIRONMENTAL DETERMINATION That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review Area, Sensitive Resource Area	ASSESSOR PARCEL NUMBER 044-151-009	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Scenic highway corridor standards, referral to City of SLO, production agriculture areas			
EXISTING USES: Vineyard			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / vacant <i>South:</i> Agriculture / scattered residences <i>East:</i> Agriculture / row crop, Highway 227 <i>West:</i> Agriculture / row crop, Price Canyon Road			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

C. J. G.
C. J. G.

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: County Public Works, County Environmental Health, County Parks, CDF, APCD, Cal Trans, City of SLO	
TOPOGRAPHY: Level with central prominent hill	VEGETATION: Vineyard, scattered trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: Not accepted for processing

PROJECT DESCRIPTION / SITE DESIGN:

The proposed project is a winery and tasting room, including wine processing, bottling, and barrel storage. The applicant has proposed to construct the 30-foot high winery building on the peak of an approximately 40-foot high hill centrally located on the property. Proposed development at the top of the hill includes the 406 square-foot tasting room and 2,000 square-foot processing/production area (including a small office and lab), with an additional 1,000 square-foot outdoor processing area partially covered by an awning. Access to the site atop the hill will require grading to widen an existing 10 wide road to 20 feet. Circulation and turnaround space are also provided at the top of the hill including a 3-vehicle parking lot. Additional development includes installation of a 25,000 gallon water tank and subsurface disposal system and leach field atop the hill.

BACKGROUND:

Project Inconsistent with Land Use Ordinance/Land Use Element

The project proposes a winery and tasting room, including wine processing and barrel storage. The site is situated in a semi-rural area with scenic viewsheds to Edna Valley to the east and to wooded hillsides to the west. The applicant and staff met on several occasions to discuss issues of concern regarding visual resources and impacts, traffic safety, architectural design, grading and access, landscaping/screening, and the proposed location of the septic leach field. The applicant has indicated that the proposed the winery and tasting room is needed at the top of the hill because the hill is one of the only locations on the property where vineyards are not planted. Staff suggested some building relocation options, which would lessen or eliminate the visual impact from Highway 227 and Price Canyon Road. However, no change was proposed by the applicant, and after reviewing the additional information submitted by the applicant, staff has determined that the project is not consistent with the Land Use Ordinance and Land Use Element because it will create a substantial visual impact due to its high visibility and silhouetting against the skyline.

Project Incomplete

The project has not been accepted for processing due to deficiencies in the information requested from the applicant. The following information has been requested and has not been submitted or has been inadequate to complete a full review:

- Staff has requested four (4) photo-simulations that visually depict the proposed structure on the hill to determine the visual impact, including possible silhouetting of the structure against the backdrop. The applicant failed to submit the two most critical photo-simulations that would help complete the review.

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ISSUES OF CONCERN:

Land Use Ordinance - Visual Resources

The site is located near the intersection of Price Canyon Road and Highway 227, a route designated as within the Highway Corridor Design Area of the San Luis Obispo Planning Area. The LUO states that these standards are intended "to protect views of scenic backdrops and background vistas and foreground views from scenic roads and highways, and other environmental resources that provide habitat and watershed drainage." Staff is especially concerned in that the proposed building would silhouette from multiple directions. When viewed from Price Canyon Road, the proposed 30-foot high building would significantly encroach into the skyline of the Santa Lucia Mountains to the east. When viewed from Highway 227, the proposed building would encroach above the skyline of the hills along Price Canyon Road (see attached photos).

The design area includes land within 100 feet of Highway 227; therefore the subject property is within this area. The proposed building site, although outside the 100-foot design area, is located on a particularly prominent and highly unique hill surrounded by nearly level vineyards that can be seen clearly from both Highway 227 and Price Canyon Road. The project is proposed in a rural location that is inconsistent with the intent of the standards of the design area. These design standards and requirements for discretionary permits include:

Locations of development. Locate all development including accessory structures (including water tanks) and access roads in the least visible portion of the site as viewed from any of the scenic highway or railroad corridors. Use existing topographic features first and vegetation second to screen development from public view as much as possible.

Discussion: The development, including the water tank, is proposed on the most visible portion of the site from Highway 227. Very limited topographic features are available at the top of the hill for screening purposes; rather, vegetative screen has been proposed.

Grading. Minimize grading that would create cut and fill slopes visible from any of the scenic highway or railroad corridors.

Discussion: Grading of the site is not minimized due to the CDF required 20' wide access driveway that is proposed to provide access to the top of the hill, as well as the parking lot and production areas on top of the hill. Significant cut and fill slopes will result from the grading and will be highly visible. Revegetation of any resulting cut/fill slopes may be difficult due to the limited depth of soil layer on the hill.

Slope limitation. Grading for structures and roads shall occur on slopes that are less than 30 percent.

Discussion: Grading for roads is proposed on slopes approaching 45%.

Building visibility. Minimize building height and mass by using low-profile design where applicable. Minimize building visibility (including water tanks) by using colors to harmonize with surrounding natural environment.

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Discussion: The proposed development is approximately 30 feet in height and will be highly visible from public roads. A one-story structure is typically around 15 feet in height. The proposed 25,000 gallon water tank will also be highly visible. No height has been provided for the proposed water tanks.

Landscaping. Provide landscaping to screen and buffer development with native or drought-resistant plants, including extensive use of evergreen trees and large-growing shrubs.
Discussion: The applicant has proposed the use of trees and shrubs to screen the development on the hill; however, since the hill is primarily rock, the existence of an adequate amount of top soil for planting on the sides and top of the hill is questionable. The site may need substantial amounts of soil amendments, necessitating additional grading.

Cal Trans - Traffic Study

The California Department of Transportation requested that a traffic study be submitted to provide information on the effects of added traffic from the proposed project on the intersection of Highway 227 with Old Price Canyon Road (see attached letter dated May 18, 2004). Cal Trans stated that the primary issues are the safety implications for ingress/egress traffic from the site on and off Highway 227. The applicant submitted a traffic analysis (Orosz Engineering Group, 2005) that explored the traffic impacts of the three potential projects at the intersection of Price Canyon Road and Highway 227. These included the existing non-conforming Old Edna Deli (DRC2004-00082) and the proposed Clark subdivision (S000098T). The report stated that the additional trips generated by any or all of the proposed projects represent a small number, and that some level of improvement would be required to bring the area up to minimum standards, including consolidation of access at Maxwellton Street and additional signage. County Public Works reviewed the traffic study, and is in general agreement with the conclusions of the study.

County Environmental Health

The County Department of Environmental Health has expressed concerns with the placement of the on-site septic system in the proposed location. The Building and Construction Ordinance states that "no soil absorption sewage disposal area shall be located where the natural slope is 30 percent or greater." The area shown on the plans for the placement of the on-site septic system has a natural grade of approximately 35%. "Daylighting" of effluent is a health safety concern, and a suitable alternative location for the on-site system has not been identified.

Agriculture & Open Space Element

Policy AGP 30 regarding Scenic Resources in the Agriculture & Open Space Element includes the following language:

"In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:

1. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.

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2. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.
3. Use natural landforms and vegetation to screen development whenever possible.
4. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture."

This section goes on to state that although the "designation of a scenic corridor....and its subsequent management shall not interfere with agricultural uses on private lands", the policy also states, "the CEQA review of the proposed project should seek to balance the protection of the scenic qualities along the corridor with the needs of the agricultural resources and facilities" (pg. 2-59). The Agricultural Commissioner's Office has included comments supporting concerns with visual, grading, and septic system issues, and that relocation of such facilities to more productive soils is allowed when there are physical site constraints (see attached letter).

AGENCY REVIEW:

Agricultural Commissioner - Supports identifying appropriate alternate locations for the proposed winery and tasting room.

Public Works - Recommends intersection improvements along Highway 227.

Environmental Health - Septic field cannot be located on 30% or greater slopes. Concerns with daylighting of effluent. See attached comments.

CDF - See attached fire safety plan.

APCD - The project is not likely to exceed District emission threshold levels of significance, however, dust control and energy efficient measures, and developmental burning/demolition restrictions outlined in the attached March 11, 2004, should be incorporated.

City of San Luis Obispo - Concerns with hillside design standards, including grading, visual impacts, architectural design.

Cal Trans - Disagrees with conclusions of OEG traffic study - left-turn channelization characteristic of State Route 227 Corridor. See discussion above and attached letter.

LEGAL LOT STATUS:

The existing lot was legally created by a voluntary merger on March 25, 2005.

Staff report prepared by Brian Pedrotti and reviewed by Kami Griffin

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FINDINGS - EXHIBIT A
Minor Use Permit DRC2003-00043

Minor Use Permit

A. The proposed project is not consistent with the San Luis Obispo County General Plan because:

1. The project does not meet the intent of the highway corridor design standards in the San Luis Obispo Planning Area for the Sensitive Resource Area combining designation, which include the following:
 - a. Locate all development including water tanks and access roads in the least visible portion of the site as viewed from any of the scenic highway corridors, consistent with the protection of other resources. Use existing topographic features first and vegetation second to screen development from public view as much as possible.
 - b. Minimize grading that would create cut and fill slopes visible from any of the scenic highway corridors.
 - c. Grading for structures and roads should occur on slopes that are less than 30 percent.
 - d. Minimize building height and mass by using low-profile design where applicable. Minimize building visibility (including water tanks) by using colors to harmonize with surrounding natural environment.
 - e. Provide landscaping to screen and buffer development with native or drought-resistant plants, including extensive use of evergreen trees and large-growing shrubs.
2. The project does not comply with the Ag and Open Space Policy AGP 30 Scenic Resources as stated below:
 - a. In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:
 - i. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.
 - ii. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.
 - iii. Use natural landforms and vegetation to screen development whenever possible.
 - iv. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture."

B. The proposed project does not satisfy all applicable provisions of Title 22 of the County Code because all necessary information has not been submitted per Sec. 22.62.050.

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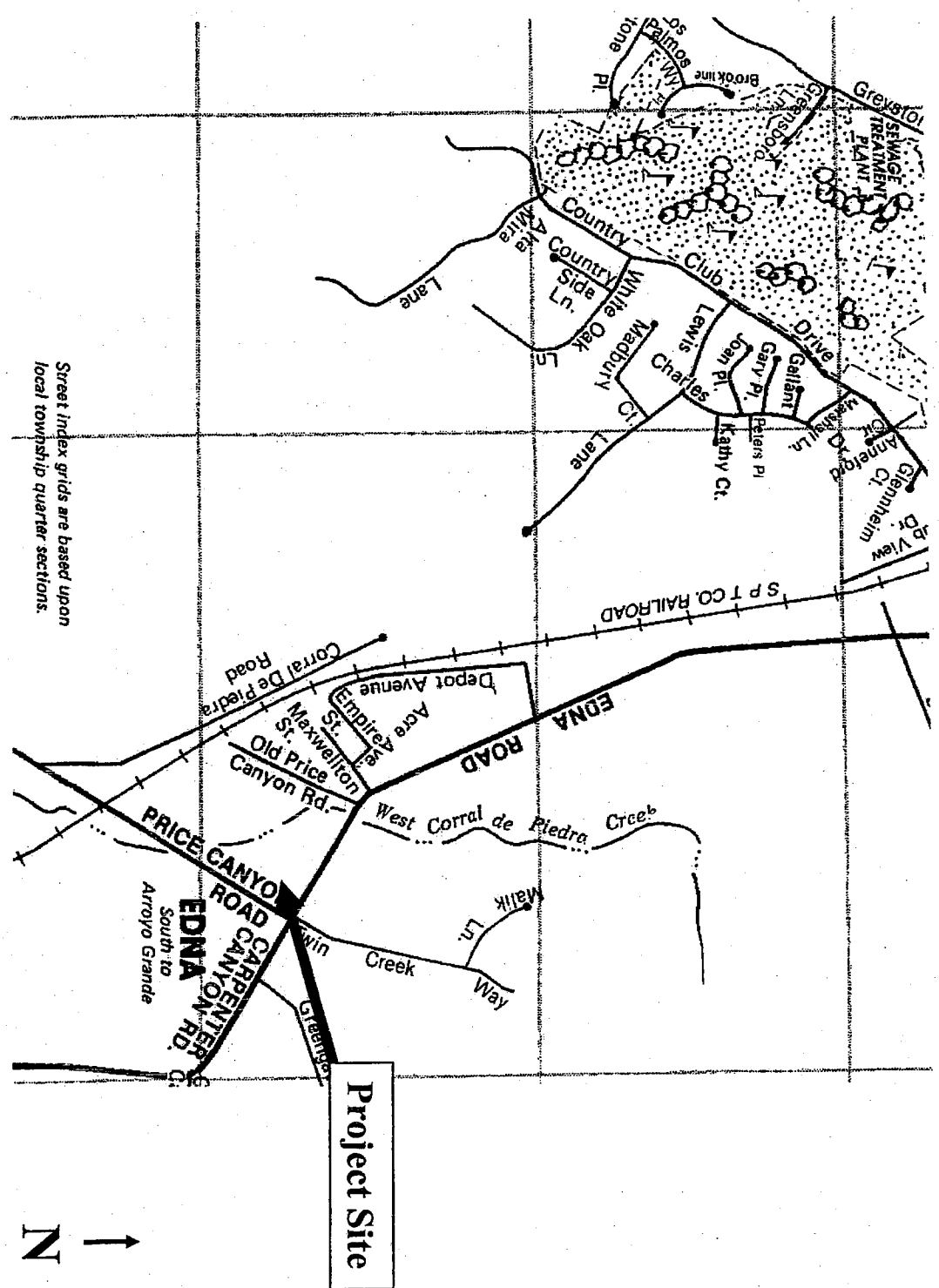
- C. The establishment and subsequent operation or conduct of the use will, because of the circumstances in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use because:
1. The proposed location of the on-site septic system is located on unacceptably steep slopes and "daylighting" of effluent may occur.
- D. The proposed project or use will be inconsistent with the visual character of the immediate neighborhood and contrary to its orderly development because the existing area surrounding this site is bordered by vineyards, row crops, grazing land, and other scenic open space, scenic values with which the proposed project could conflict based on the standards in the Land Use Ordinance and Agriculture/Open Space Element.

Environmental Determination

- F. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

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Project

MacGregor Minor Use Permit

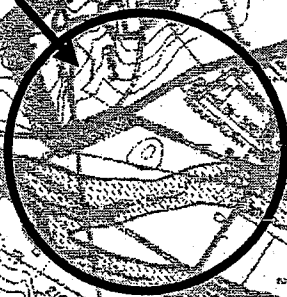
Exhibit

Vicinity Map



5-9

SITE



PROJECT

Minor Use Permit
MacGregor DRC2003-00043

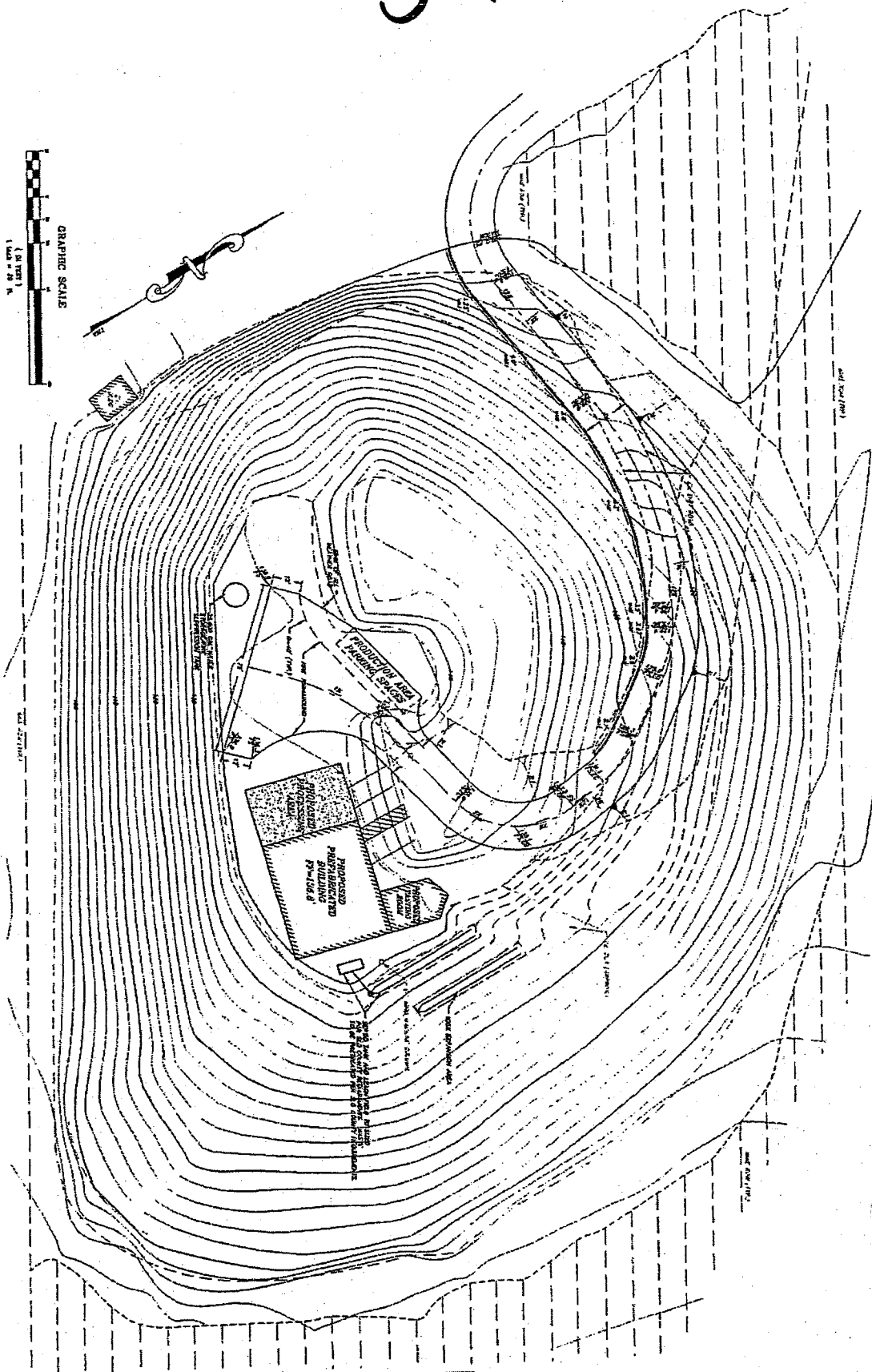
EXHIBIT

Land Use Category



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Minor Use Permit

MacGregor DRC2003-00043

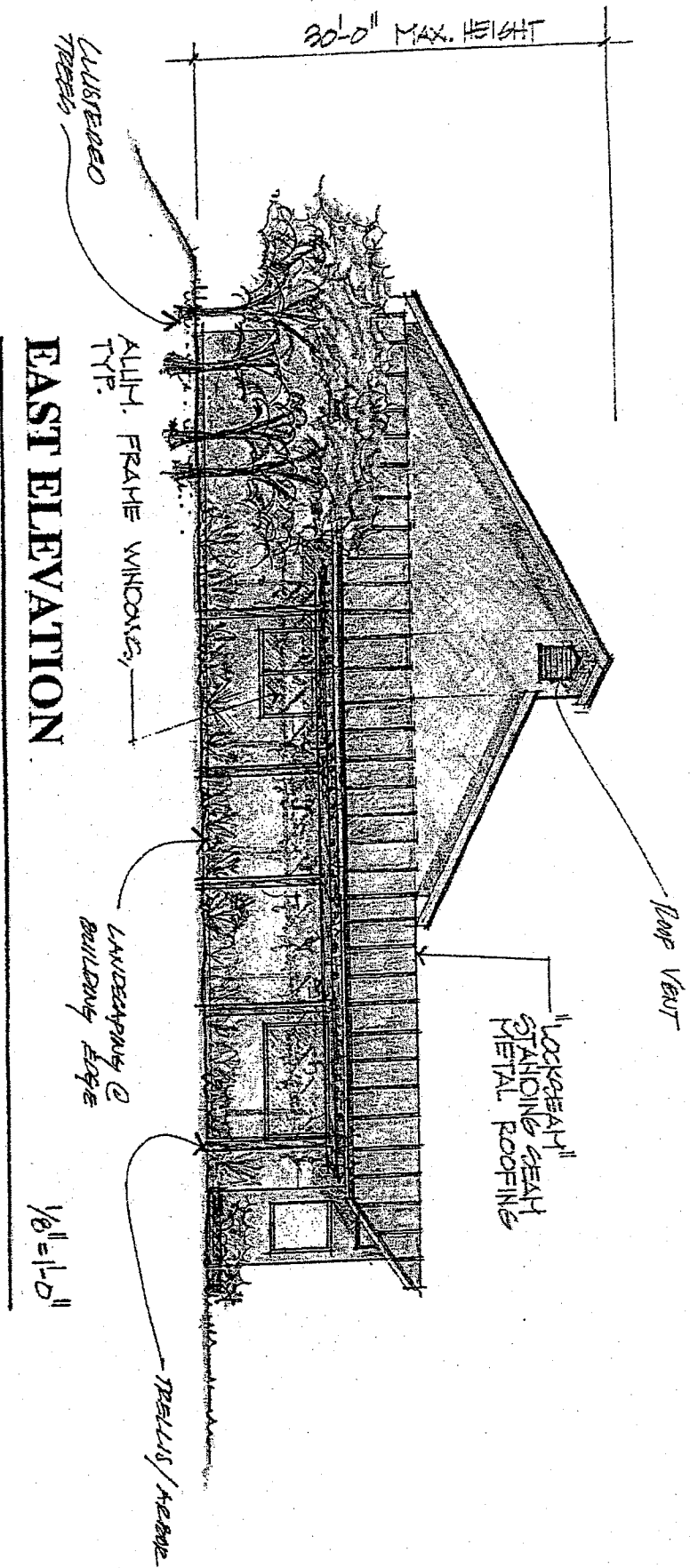


EXHIBIT

Site Plan

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8/5/03

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EAST ELEVATION

PROJECT

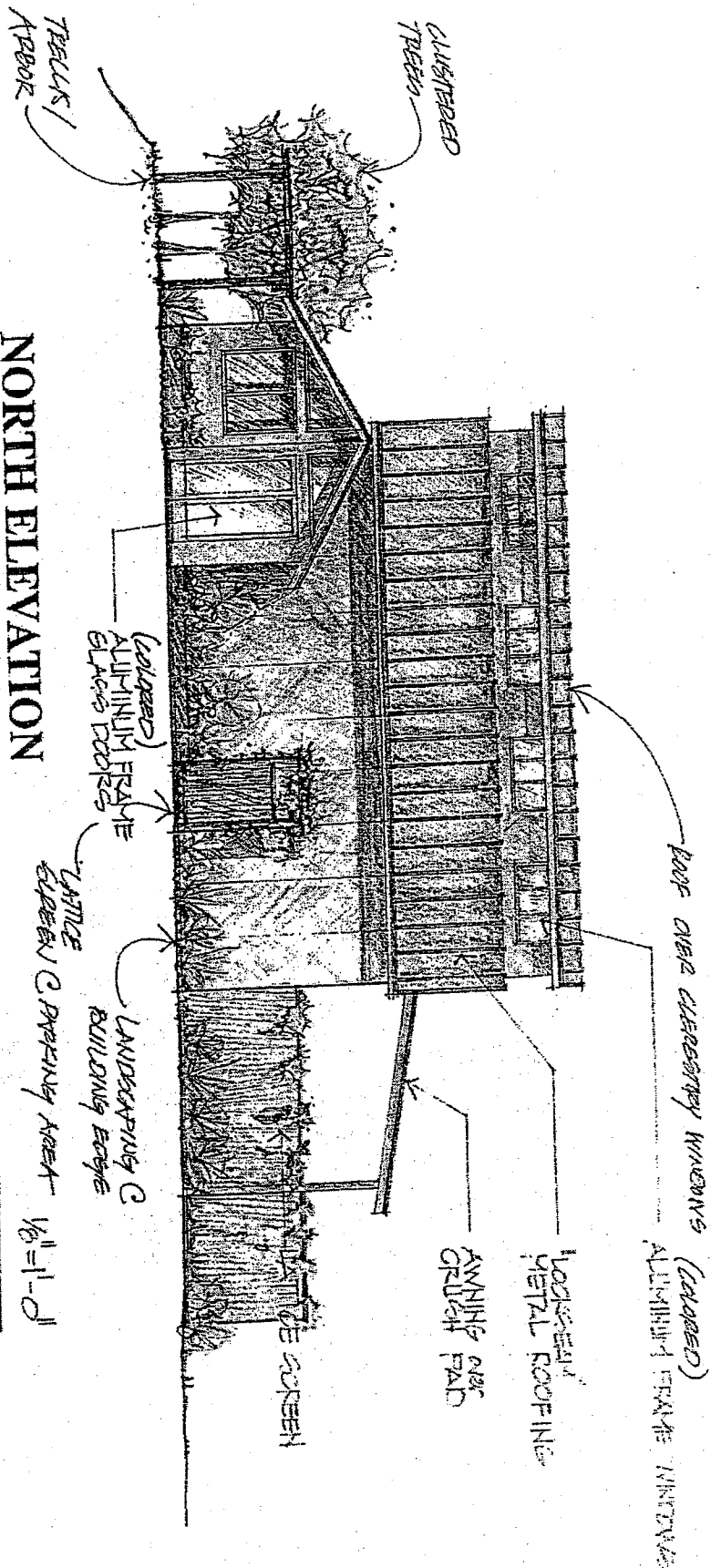
Minor Use Permit
MacGregor DRC2003-00043



EXHIBIT

Elevation

5-12



PROJECT

Minor Use Permit
MacGregor DRC2003-00043

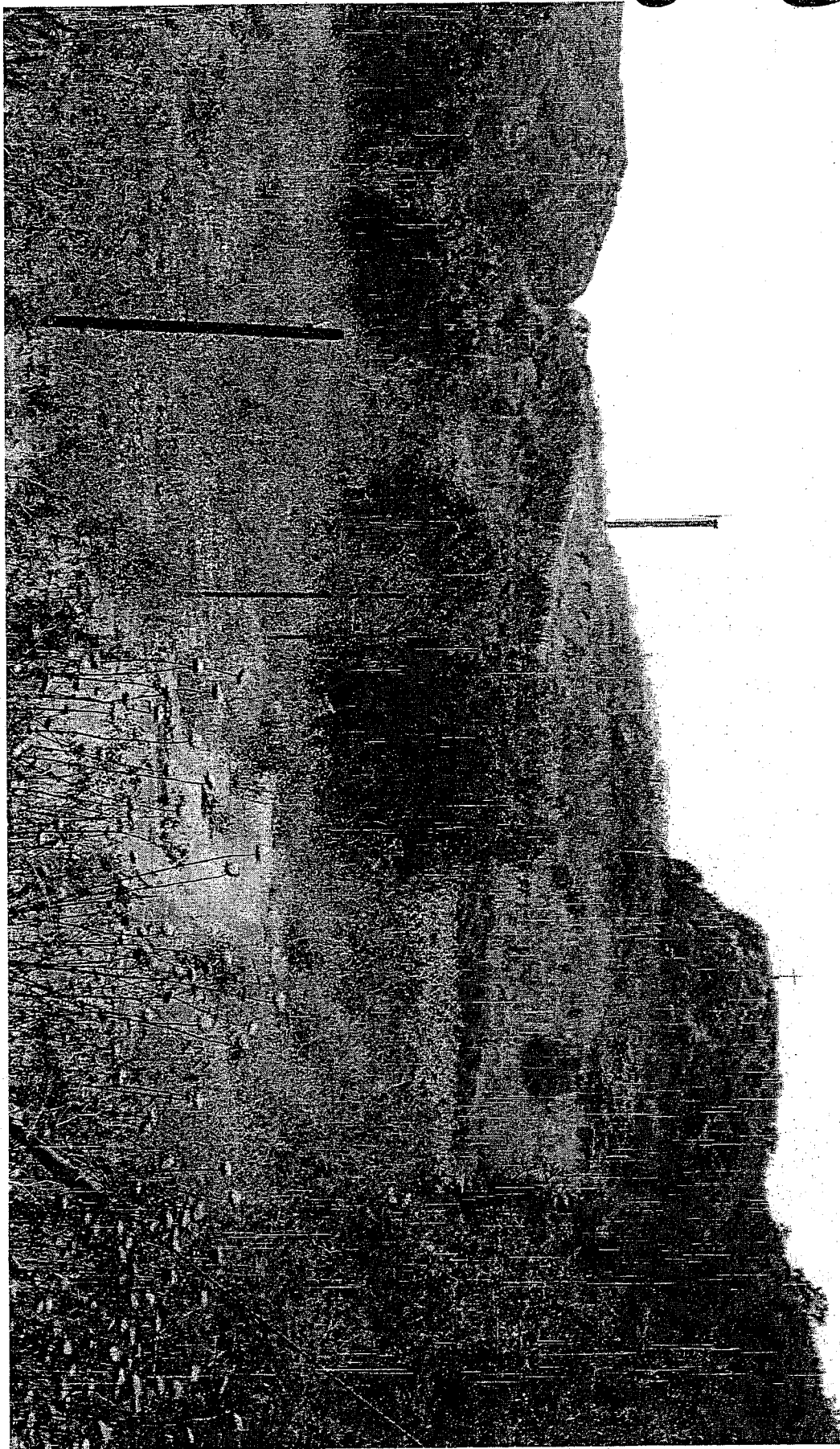


EXHIBIT

Elevation

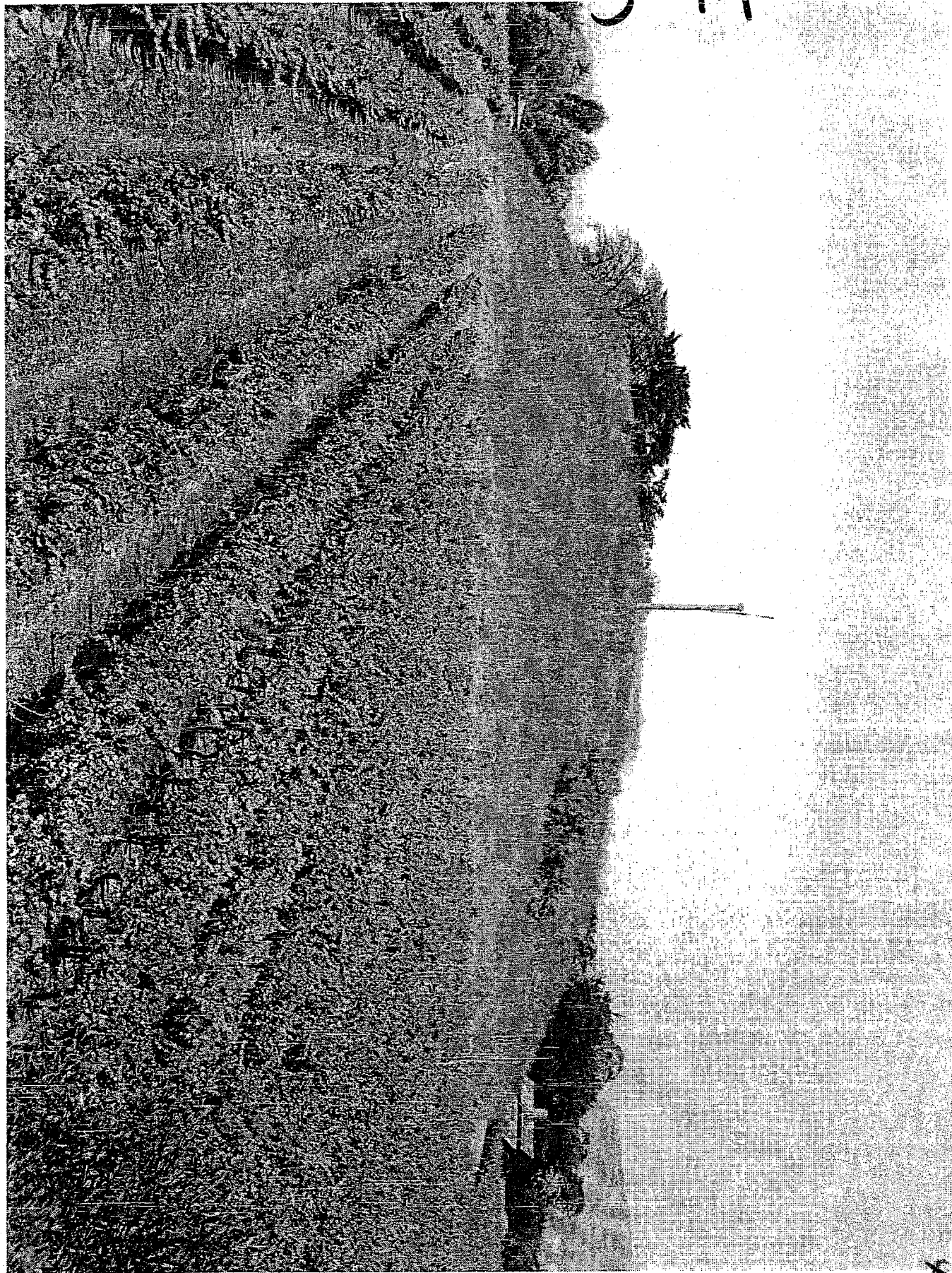
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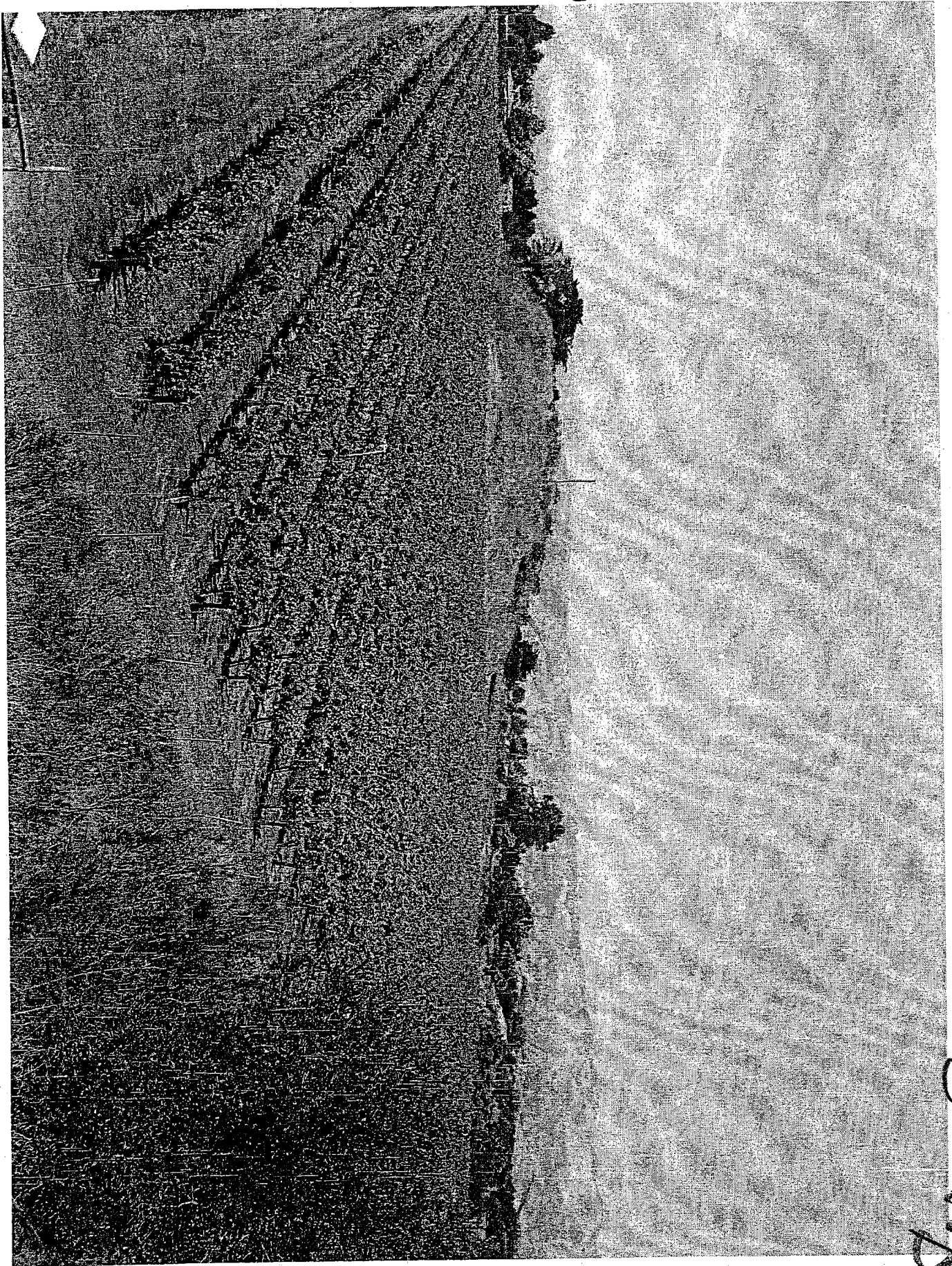
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5-16
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

April 26, 2005

MEMORANDUM

TO: Kerry Brown, Elizabeth Kavanaugh, Brian Pedrotti
Department of Planning & Building

FROM: Richard Marshall, Development Services Engineer *RM*

SUBJECT: Traffic Analysis for "Old Edna" Area

Thank you for the opportunity to review the "Maxwellton Street/Old Price Canyon Road Access Analysis - Highway 227" prepared by Steve Orosz of Orosz Engineering Group. I concur with the report's methods and conclusions. I have the following comments and recommendations for the two land use and one subdivision projects which are currently pending for the area:

1. **Deli hours.** The evaluation and conclusions of the trip generation for the deli and winery projects is specifically dependent upon the hours of operation that were assumed in the report. As long as these hours are in effect, the conclusions of the report are valid. Therefore, these specific hours should be memorialized in the conditions of approval. For the deli, the hours assumed are 8:00 a.m. to 5:00 p.m. Similarly, the use of the "meeting room" in the deli structure is represented as having no events which begin or end during the peak hours of the adjoining roadway system. I recommend that this also be carried forward as a condition of approval. For this purpose, a condition could be stated, "no events shall be held which begin or end during the hours of 7:00-9:00 a.m. and 4:00-6:00 p.m. daily." In addition, some condition which limits the types of activities and/or the numbers of people using the "meeting room" may be appropriate since this could generate a significant number of additional trips to the site.
2. **Winery hours.** The hours of operation assumed for the winery are 10:00 a.m. to 4:00 p.m., which should also be carried forward into the conditions. The analysis assumed no Special Events for the winery; this also should be a function of the Approved Uses for the project.

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[Handwritten signature]

3. **Left-turn channelization.** Based on the technical evaluation provided in the report, widening of Highway 227 to provide a left-turn pocket for either Maxwellton Street and/or Old Price Canyon Road is not warranted as a result of the proposed projects, given the limitation on hours of operation discussed above. I have reviewed Caltrans' correspondence on this point. Although channelization is provided farther north on 227, it is typically used at intersections which have substantially higher traffic volumes and turning movements, as well as within the urban area, where there are a much higher concentration of commercial driveway locations. Other uses in closer proximity to the proposed projects, such as Claiborne & Churchill winery, are operating satisfactorily without provision of left-turn channelization.
4. **Access configuration.** In order to provide proper safety for residents and/or customers of the proposed developments, it would be necessary to improve one or both of the intersections with Highway 227 to current Caltrans standards for a public road intersection. The traffic study recommended using the standards for a private road intersection, but to comply with Title 21 requirements, this will need to be improved as a public road.

If any of the three projects, individually or collectively, were to propose to take primary access by perpetuating the existing connection of Old Price Canyon Road to Highway 227, the improvement of that intersection would not be feasible due to the proximity of the highway bridge and the creek, so it is not recommended as the most-feasible alternative.

I concur with the report's recommendation that access for all three projects be consolidated at the Maxwellton Street intersection, which has the better location of the two existing intersections. To accomplish this, Old Price Canyon Road would be realigned to take access from Maxwellton Street. I recommend that all three projects be conditioned to take access from the intersection of Highway 227 and Maxwellton Street, and close the existing highway connection at Old Price Canyon Road.

The conditions for each of the three projects should include the following:

- a. The intersection of Maxwellton Street and Highway 227 shall be designed and constructed to comply with Caltrans standards for a public road intersection.
- b. Maxwellton Street shall be improved to an A-1 (rural) standard [fronting the property (for the deli project and the subdivision)] [from the property to Highway 227 (for the winery project)] within a minimum 50-foot dedicated right-of-way.
- c. The applicant shall install the advance intersection-warning signage as recommended by the traffic study, subject to the approval of Caltrans.

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- d. The applicant shall relocate the existing group of mailboxes as recommended in the traffic study.
- e. Old Price Canyon Road shall be realigned to take access from Maxwellton Street, and improved to an A-1 (rural) standard within a minimum 50-foot dedicated right-of-way. Any portion of the existing roadway not perpetuated in the new alignment shall be obliterated to the satisfaction of the Department of Public Works.
- f. The area between Highway 227 and the main building of the deli project should have few, if any, on-street parking spaces, to avoid turning movement conflicts near the road intersection. Therefore, the main parking area (for the deli project) should be located westerly of the building, if feasible. Some limited number of spaces, if necessary for disabled parking requirements (for the deli project), may be appropriate in the area between the building and the highway.

I hope this information will assist you in processing these projects. Please call me at 781-5280 if you have questions or need additional information.

c: Chuck Stevenson, Supervising Planner
Bill Robeson, Planning & Building
Steve Orosz, Orosz Engineering Group, 1627 Calzada Avenue, Santa Ynez, CA 93460
James Kilmer, Caltrans District 5

File: Tract 2405

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DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>

5-19



*Flex your power!
Be energy efficient!*

February 3, 2005

SLO - 227 PM 7.12

MacGregor

(Windemere Winery)

DRC 2003-00043 &

OEG Traffic Study for

Old Edna Residential

Project Access Analysis -

Highway 227

Mr. Brian Pedrotti, Planner
Department of Planning & Building
San Luis Obispo County Government Center
San Luis Obispo, CA. 93408

Dear Mr. Pedrotti:

The California Department of Transportation (Department) has reviewed the Orosz Engineering (OEG) Traffic Study for the above referenced project, as a result the following comments were generated.

1. Due to safety and operational considerations, it has been the Department's experience that a development (in total) of this scope requires left turn channelization.
2. Left-turn channelization and two-way-left-turn-lanes (TWLTL) are currently characteristics of the State Route 227 Corridor.
3. The Department disagrees with the conclusions of the OEG traffic study regarding trip generation of the combined projects. The Old Edna Deli alone features 50 parking spaces however no peak hour trips (PHTs) are shown turning into either Maxwellton Street or Old Price Canyon Road at that time, as assigned to that business. Similarly, no mid-week PHTs are shown traveling to the MacGregor Winery. Secondly, the business hours of either the Winery or the Deli/Gallery cannot be enforced and lastly, count station data at this location indicates the PM peak hour falls within the 3:30 PM to 5:30 PM time frame.

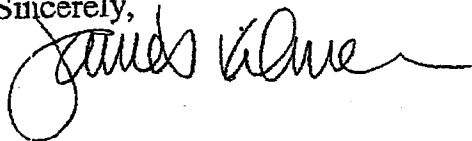
The Department offers the above for your consideration in helping the Lead Agency define the extent of the traffic mitigation on State Route 227 for these projects.

Mr. Pedrotti
February 3, 2005
Page 2

5-20

Thank you for the opportunity to comment on the OEG Traffic Study. If you have any questions, please contact me at 549-3683

Sincerely,



James Kilmer
District 5
Development Review/CEQA Coordination

c: D. Murray, R. Barnes, N. Sams, P. McClintic

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DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
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TDD (805) 549-3259
<http://www.dot.gov/dist05>

5-21



*Flex your power!
Be energy efficient!*

RECEIVED

May 18, 2004

MAY 20 2004

Planning & Bldg

SLO - 227 PM R7.93
MacGregor Winery, Old
Edna Deli Conversion &
Residential Development
on Old Price Canyon
Road - Combined Traffic
Study

Mr. Brian Pedrotti
County of San Luis Obispo
Dept. of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

Dear Mr. Pedrotti:

I would like to take this occasion to thank both you and Mr. Chuck Stevenson for meeting with members of Development Review & Traffic Safety Staff out at the site on Route 227 near the Old Edna Deli last Friday. From our discussions and survey of the traffic flow patterns at that location, it appears that both County and Caltrans Staff have a shared understanding of the challenges that residents and customers of the proposed private development projects will encounter as they turn into the site.

To help us better understand what the effects of the added traffic from the proposed projects will have at the location, Caltrans Staff requests that a new traffic study be completed. The new traffic study will need to take into account the added traffic from the three anticipated new projects; the residential development, the Old Edna Deli conversion to a full restaurant, and the MacGregor Winery.

An essential component of the traffic study will need to feature an investigation of the geometrics and the safety implications of the ingress/egress of traffic from these projects onto and off of Route 227. To refresh both of our memories, the group discussed the possibility of consolidating access at this location into one connection to Route 227 at Maxwellian Street. The elimination of the dirt road connection of Old Price Canyon Road and the construction of left-turn channelization on Route 227 at Maxwellian Street, would have the effect we conjectured, of better accommodating north bound 227 traffic, that will be turning into the project sites. The traffic study will need to tell us if the consolidation will in fact solve the perceived problem, or, if it won't.

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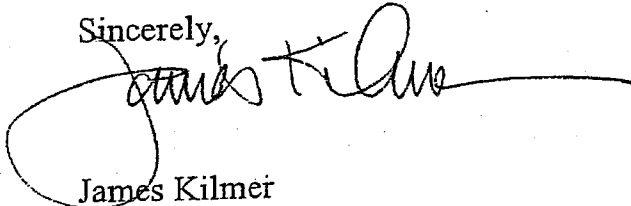
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The new traffic study should utilize the "stopping site distance" study that was performed by Mr. Bill Heath for the previous Old Edna Deli application. A speed zone survey should also be completed as well in order to document the 85th percentile (ambient) traffic speeds at this location. This will help determine the length of the transition from deceleration taper to the storage area of the left-turn channelization. The traffic study should also include the standard, existing, existing + project traffic conditions (AM & PM peak hour scenarios as well as anticipated special events). This will give us the needed size of storage area for the channelization. The applicants will need to consult with a Licensed Traffic Engineer to do the study

As a result of the Route 227 access consolidation at Maxwellian Street the traffic study should include a discussion of alternatives for how the occupants of the residential development will access Route 227 in light of Old Price Canyon Road being closed.

Again, thank you for conferring with the Department on this issue. If you have any questions, please contact me at 549-3683.

Sincerely,



James Kilmer
District 5
Development Review

c: File, D. Murray, R. Barnes, N. Sams

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7-36



COUNTY OF SAN LUIS OBISPO

5-23

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: July 14, 2004
TO: Brian Pedrotti, Planner III
FROM: Lynda L. Auchinachie, Agriculture Department *JA*
SUBJECT: MacGregor Minor Use Permit, DRC2003-00043 (0843)

Per our recent conversation, the proposed location for the winery and tasting room cannot be supported by the Planning Department due to visual and grading impacts as well as potential wastewater daylighting concerns. It appears the only feasible location for such a facility would be in an area that currently supports vineyards.

Agriculture and Open Space Element policies allow for relocating such facilities on the more productive soils when a project site has constraints as identified above. The Agriculture Department is available to work with your department to assist the applicant in identifying an appropriate location for the proposed winery and tasting room. If you would like to schedule a meeting, please contact me at 781-5914.

C-4
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JB
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 Brian Pedrotti

07/21/2004 03:49 PM

To: Laurie Salo/PH/COSLO
cc: Brian Pedrotti/Planning/COSLO@Wings
Subject: Re: MacGregor MUP (DRC2003-00043)

Laurie Salo

 Laurie Salo

07/21/2004 10:51 AM

To: Brian Pedrotti/Planning/COSLO@Wings
cc:
Subject: Re: MacGregor MUP (DRC2003-00043)

Brian-

After review of the referral for MUP DRC 2003-00043, Environmental Health Services is concerned about placement of the on-site septic system. The project states that the physical site characteristics are steep slopes (50%). The Building and Construction Ordinance states that "no soil absorption sewage disposal area shall be located where the natural slope is 30 percent or greater." The area shown on the exhibits for placement of the on-site system appear to be approximately 35 % slope and therefore do not meet the ordinance. Unless an area can be located with less than a 30% slope, Environmental Health could not support this proposal.

LAURIE A. SALO, R.E.H.S. III
Senior Environmental Health Specialist
Land Use Section
Phone: (805) 781-5544
Fax: (805) 781-4211
Email: lsalo@co.slo.ca.us
Brian Pedrotti

C-4
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BB



5-25 • SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

CORE 11-04

VICTOR HOLANDA, AICP
DIRECTOR

PP

THIS IS A NEW PROJECT REFERRAL

DATE: Feb. 27, 2004
TO: San Luis Obispo - City
FROM: So. County Team
(Please direct response to the above)

DEC 2003-00043/MACGREGOR
Project Name and Number

Development Review Section (Phone: 781-788-2009) ()

PROJECT DESCRIPTION: WINERY W/ TASTING ROOM
Brian Pedrotti
788-2788

Return this letter with your comments attached no later than: March 12, 2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
☒ YES (Please go on to Part II)
☒ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
☒ NO (Please go on to Part III)
☒ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

PROJECT DOES NOT COMPLY W/ HILLSIDE
DESIGN STANDARDS, GRADING, VISUAL
IMPACTS, ARCHITECTURAL DESIGN ARE
CITY CONCERNS.

6/21/04 Date
[Signature] Name
781-7120 Phone

RECEIVE



5-26 SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

bP

VICTOR HOLANDA, A
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

MAR - 2 2004

DATE:

Feb. 27, 2004

FROM

Public Works (Engrg.)

FROM

So. County Team
(Please direct response to the above)

DEC 2003-00043/MACGREGOR
Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION: WINEY W/ TASTING ROOM

Return this letter with your comments attached no later than:

March 12, 2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - INTERSECTION OF OLD FERRY CYN RD WITH HWY 225
NEEDS TO BE IMPROVED. THE INTERSECTION TO BE DESIGNED AND CONSTRUCTED
IN ACCORDANCE WITH CAL HWY DESIGN MANUAL AS MUCH AS POSSIBLE AND OBTAIN A
CALTRANS ENVIRONMENTAL PERMIT. WRONG BLOCK HIGHLIGHTED ON LU MAP (APN MAP CORRECT).
SEE TR 2405

23 Mar 2004
Date

Goodman
Name

5252
Phone



CDF/San Luis Obispo County
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

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RECEIVED

MAR 17 2004

Planning & Bldg

March 11, 2004

County of San Luis Obispo
Department of Planning/Building
County Government Center
San Luis Obispo, CA 93408

BP

Dear South County Team,

COMMERCIAL MINOR USE PLAN

Name: Mac Gregor Project Number: DRC 2003-00043

The Department has reviewed the minor use plans submitted for the proposed winery and tasting room project located at 1600 Old Price Cyn. Rd., San Luis Obispo. The property is located within the high fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, commercial water system and fire lanes.

FIRE ALARM SYSTEM

- The proposed project is required to install a total coverage heat/smoke alarm system.
- The system shall comply with NFPA Pamphlet 72.
- The system shall transmit to a central 24-hour monitoring point.
- Plans shall be submitted to the County Fire Department.

PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the Uniform Fire Code (2000) Section 1002.1, Standard 10-1.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

WATER STORAGE TANK

- A minimum of 5,000 gallons of water in storage shall be required.
- Emergency water tanks shall have a(n):
 - automatic fill,
 - sight gage,
 - venting system,
 - The minimum water main size shall not be less than six (6) inches.
 - Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

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CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

5-28

WATER SUPPLY CONNECTION

- One fire hydrant shall be required.
- Fire hydrants are to be located with a maximum normal spacing of 300 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
 - (a) On a non-skid surface, center of roadway, to the fire hydrant side.

ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lanes for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at www.cdfslo.org ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Gilbert R. Portillo
Fire Inspector

C:Ms. Cathy Mac Gregor, owner
Ms. Rachel Dumas, agent

Cathy Mac Gregor
Rachel Dumas



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

RECEIVED

MAR 11 2004

Planning & Bldg

DATE: March 11, 2004

bp 5-29

TO: South County Team
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise *MAG*
San Luis Obispo County Air Pollution Control District

SUBJECT: Windemere Winery and Tasting Room, DRC2003-00043

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 1600 Old Price Canyon Road, San Luis Obispo. We have the following comments on the proposal.

Construction Phase Emissions

The project as described in the referral will not likely exceed the District's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. District staff recommends the following measures be incorporated into the project to control dust:

Dust Control

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible;
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHA). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is found at the site the

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applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of our Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, the District prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Operational Phase Emissions

District staff has performed screening level calculations for the potential operational emissions from this project. These calculations indicate that the project will not likely exceed our CEQA significance thresholds for operation phase emissions. However as indicated above, fugitive dust could be a nuisance to local residents and businesses in close proximity to the proposed project. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. To reduce fugitive dust disturbed by vehicles traveling to the winery and wine tasting facility:

- Limit vehicle speeds to no more than 15 mph on any unpaved surface at the site.
- Pave roadways used as access routes to the tasting room.

Permits

Based on the information provided, we are unsure of the types of equipment that may be present at the proposed facility. The following is a list of equipment, which might require permits from the District. It is possible that additional project components not identified at this time will require some form of District review or permit so the following list should not be viewed as exclusive.

- Portable standby emergency generators.
- Boilers.
- Certain types of wastewater treatment plant may require permits.
- Portable equipment used during construction activities may require statewide registration or a District permit.

If you have any questions regarding permits, please contact David Dixon, Engineering Division Supervisor, at 781-5912.

If you have any questions or comments please contact me at (805) 781-4667.

MAG/lmg

cc: Tim Fuhs, SLOAPCD Enforcement Division
Karen Brook, SLOAPCD Enforcement Division
David Dixon, SLOAPCD, Engineering Division

C-4
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5-31

San Luis Obispo

Vinners & Growers Association

Members of the San Luis Obispo County
Planning Commission
County Government Center
San Luis Obispo, CA 93401

September 1, 2004

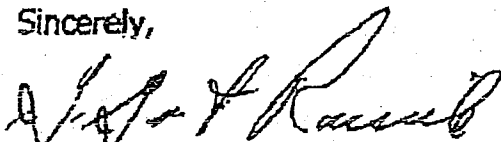
Dear Members of the Planning Commission,

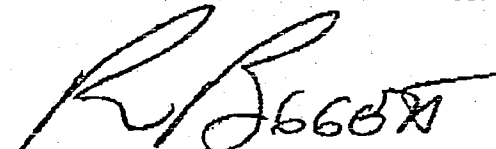
We are writing to you in support of an application for Cathy MacGregor for a small winery located at 1600 Old Price Canyon Road near the intersection of Price Canyon Road and Edna Road. Cathy MacGregor of Windemere Winery has been an asset to our association and our industry for over ten years and we are thrilled that she is ready to build her own facility in the Edna Valley.

Over 80 percent of our members are boutique producers like Windemere Winery, producing very small quantities of high quality wines in small efficient winery facilities. We consider the size and scope of the proposed Windemere facility to be in keeping with the character of the wine industry in our area. In addition, we believe that the design and location of the winery building were well thought out, taking into consideration the impact to neighboring properties, the constraints of the site's topography and the importance of leaving the existing vineyard undisturbed.

In short, we believe that this is a well designed and appropriately located small winery and we encourage you to approve the application for a Minor Use Permit for Ms. MacGregor.

Sincerely,


Grant Raeside, Executive Director


Robin Baggett, President

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**Staff received 36 copies of the following letter dated
July 10, 2004 and signed by separate parties.**

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WINDEMERE & CATHY MACGREGOR WINES

Phone Winery 805.542.0133

Office 805.545.8080

Fax 805.545.8080

cathy@windemerewinery.com

5-33

July 10, 2004

RE: Minor Use Permit DRC2003-00043

Dear Members of the San Luis Obispo County Planning Commission,

I am in support of my neighbor, Cathy MacGregor's project. Her family has owned the land and farmed grapes since 1974. Her project meets all the standards set forth in the County Land Use Ordinance.

The vineyard property is in an agricultural preserve under the Williamson Act. The project is situated on land that cannot support crops. It is a very small project and will be an asset to Edna Valley.

The building has been designed so it will blend into the hill. The case production will remain very small, less than 5,000 cases. The building is smaller than most two-story houses. The hill will be planted with native plants to accentuate the natural beauty of the hillsides.

We have seen the computer-projected images. In my opinion, this project will improve our neighborhood in terms of aesthetics and economic well-being. We support a very limited growth and feel this project is fully within that concept.

Please recommend approval of this permit. This is the type of project that we need to support. This will insure this land stays in agriculture production. San Luis Obispo County needs to support this family business and maintain viable agricultural crops.

I/We support this project.

Perbacco Cellars 7/22/04
Name Winery Date
169 Kentucky St. SLO. 93405
Signature Address

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5-34

August 17, 2004

Windemere Winery
Cathy MacGregor
33482 Sacramento Drive
Suite E
San Luis Obispo, CA 93401

Dear Cathy:

Enclosed is our signed support letter as you requested. I support your new building project and the vineyard.

The only issue I have is the use of the propane fired "bird gun" in your vineyard. The gun is very loud and the constant fire is extremely nerve wracking. Is there any other methods that can be used to deter the birds from the vineyard?

Good luck on your new tasting room.

Sincerely,



Donna Nord
6485 Corral de Piedra Rd.
San Luis Obispo, CA 93401
(805) 541-6309

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